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# FAMILY DESERTION AND NON-SUPPORT

## A STUDY OF COURT CASES IN PHILADELPHIA FROM 1916 TO 1920

BY

S. HOWARD PATTERSON

A THESIS

PRESENTED TO THE FACULTY OF THE GRADUATE SCHOOL IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF DOCTOR OF PHILOSOPHY IN SOCIOLOGY

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WHITTIER, CALIFORNIA

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## FOREWORD

The author wishes to express his appreciation of the cooperation of the officers of the various social agencies which made possible this study. He is under particular obligations to the following gentlemen connected with the Philadelphia Court: President Judge Charles L. Brown; Mr. Leon Stern, Head of the Educational Department; Mr. Frank S. Drown, Head of the Statistical Department; Dr. Thomas A. Shallow, Chief Probation Officer; and Dr. Louis N. Robinson, formerly Chief Probation Officer.

# FAMILY DESERTION AND NON-SUPPORT: A STUDY OF COURT CASES IN PHILADELPHIA FROM 1916 to 1920

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# FAMILY DESERTION AND NON-SUPPORT

## A STUDY OF COURT CASES IN PHILADELPHIA FROM 1916 TO 1920

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I. INTRODUCTION. DESERTION, A PATHOLOGICAL PHASE OF FAMILY LIFE.
II. THE AMOUNT OF DESERTION AND NON-SUPPORT IN PHILADELPHIA FROM 1916 TO 1920 AND THE FLUCTUATIONS IN THE RATE.
III. THE FACTORS OF RACE, NATIONALITY AND RELIGION.
IV. THE SOCIAL AND ECONOMIC ENVIRONMENT.
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### I. INTRODUCTION. DESERTION, A PATHOLOGICAL PHASE OF FAMILY LIFE

The social significance of an unstable or an unhealthy family life is well illustrated in the problem of desertion. In both dependency and delinquency the effect is greatly to increase the social debtor classes. Dr. Devine in his *Causes of Misery* found ten per cent (10%) of the five thousand (5000) cases of dependency which he studied to be those of deserted women. The non-support cases were equivalent to two per cent (2%) of the whole, which would raise the total to twelve per cent (12%). If we eliminate home less men and single women from the total number of cases the role of desertion and non-support would show itself in a higher percentage. The increase in the social debtor groups is particularly noticeable in the case of children. The social cost of desertion must be viewed from the standpoint of both society and the child. For the latter it means the absence of a normal home and the non-fulfillment of the larger social functions of the family beyond the mere fact of biological reproduction.

To the state it means an increase in burden of taxation to support these children in institutions or homes. It also brings a serious problem of administration, for the care of dependent children is a vexed social problem. The large part played by desertion is illustrated in the following quotation taken from a report of the vice-chairman of

the Joint Executive Committee of the Children's Bureau of Philadelphia, which appeared in the Philadelphia City Club Bulletin for February the twelfth, 1913: "We have been able to gather figures of institutional children to the number of eighteen hundred and ninety-one (1,891). Of these five hundred and twenty-two (522) were desertion cases. This would mean twenty-seven per cent (27%), but of course if you take all the institutions of Philadelphia this would not be a true proportion, because in the orphanages there is a very small percentage of desertion cases. So for the ten thousand children in institutions in this city, and there are over ten thousand (10,000), I think fifteen per cent (15%) would be a fair proportion to charge to desertion cases. If we reckon that these children cost two hundred dollars ($200) per capita for each year, which I think is pretty conservative, it makes the bill which the citizens of Philadelphia are paying for these dependent children, as a result of this one cause of desertion, amount to three hundred thousand dollars ($300,000)." A comparison of this estimate with some more recent ones in other cities will show that it is rather conservative. Again, it must be remembered that this figure represents but one part of the social cost of desertion. Not only are there deserted children in institutions, but also deserted wives and children outside institutions and dependent upon outdoor relief. It is estimated by the present secretary for the Philadelphia Society for Organizing Charity that about ten per cent (10%) of all their appeals come from the families of deserters. In 1916, out of seven thousand two hundred and twenty (7,220) cases handled by this society seven hundred and thirty-nine (739), or ten per cent (10%), were desertion cases. In 1917, there were six hundred and ninety-two (692) cases out of a total of five thousand one hundred and five (5105) cases or thirteen per cent (13%).

Desertion plays an important part in the matter of juvenile delinquency as well as in the matter of dependency. Sociologists are talking less about the so-called criminal types and more about the effects of the social enviroment. Except for those with a degenerate or psychopathic heredity the majority of criminals are made and not born. An unhealthy family life is a very favorable soil. One of the first things which strike even the casual reader of the records of the juvenile Court is the high percentage of cases which come from broken homes. The study[1] of a number of boys before the Philadelphia Juvenile Court in 1916 showed that in two hundred and forty four (244) cases out of

a thousand (1,000) the boys had come from homes deserted by one or both parents. This represents a percentage of twenty-two (22.4%). The study[1] of a number of cases in the Misdemeanants Court of Philadelphia in the same year revealed the fact that out of eight hundred and sixty-eight (868) cases, eight (8) women were divorced and seventy-two (72) or nine per cent (9%) were separated from their husbands. To what extent desertion was result rather than a cause of these immoral lives we cannot tell. Another study[1] of the conjugal condition of six hundred and twelve (612) cases before the same court in 1919 revealed a greater proportion of broken homes. One hundred and nine (109) women had been married but were not living with their husbands, which represents eighteen per cent (18%). Fifteen (15) were divorced and seventy-two (72) represented common law marriages. In another study[1] made in 1916 of the girls and women before the Philadelphia Misdemeanants Court in one hundred and nineteen (119) cases out of eight hundred and sixty eight (868) or thirteen per cent (13%) and in one hundred and eight (108) cases out of six hundred and ninety-five (695) the reason given by the girls for their misconduct was family trouble. Although this is a blanket term and although all the girls may not have told the truth, it does indicate the importance of a stable and healthy family life.

One serious aspect of the problem of desertion and non-support is the attitude of society. The care of widows and orphans has been extolled for ages as the duty of all good people. The cause of deserted wives like that of illegitimate children has found fewer champions. Desertion could not formerly have been so serious a problem when there was little mobility of population. The possibilities have increased with the development of better means of transportation and the growth of huge cities in which one family hardly knows its own neighbors. The divorced woman may regain her place in society today and perhaps be granted alimony by the court for her support. The lot of the deserted wife is more precarious and pathetic, although her domestic qualities and sometimes her moral virtures may be questioned. Widows may recieve some aid from state pensions with which they can support their children and keep the family together. It is often desirable to keep the mother and children together in desertion cases. The same is often true of illegitimate children, which are frequently placed in

1. See Annual Reports of Philadelphia Municipal Court for 1916 and 1919.

foundling institutions where the rate of infant mortality is high. The state attempts to make the father of the illigetimate child contribute to its support, although in Philadelphia the court is appealed to by about only one out of every eight mothers of illegitimate children. The state fears the extension of its widow pension fund to deserted wives as well as to the mothers of illegitimate children. It does not care to subsidize the process. In Pennsylvania, however, the appropriations for the widows' pension fund is so small that only a comparatively small group can be reached. As but few widows can avail themselves of this state aid, there has never arisen the question of extending it to deserted wives. The possibility of securing support by remarriage is not open to them as it is to widows and widowers. The theory upon which society is going is to compel the deserting husband either to return or to contribute to the support of his family. To what extent we are succeeding will be discussed later. Desertion and non-support however, have been made criminal offences in practically all the states.

Although the causes of divorce and desertion may differ, there are many similarities. If any generalization is permitted it may be said that they are similar phenomena in different social strata. Broken family life in the so-called upper social classes frequently results in divorce. In the so-called lower economic and social classes it takes the more simple form of desertion. Indeed, desertion has been called "the poor man's divorce." Broken family life may be easily read in the rising divorce rate. Divorces are a matter of legal record. Thus, writers[2] have been able to speak of the three fold velocity of the divorce rate. Desertion, however, is not always a matter of record and its rate is not so easily determined. Nevertheless, we believe that the same set of forces which reflect themselves in divorce appear also in the matter of desertion. Both divorce and desertion are indications of an unstable family life and of the process of adjustment. Both phenomena appear to an unusual extent in the cities. It is here that the social and economic ties which bind the family together become loosened. Because of the cumbersome legal process necessary, divorce takes considerable time and money. The divorce rate of a given year represents the rate of family rupture of some time past. This is not so true in the matter of desertion. Moreover, the legal grounds for divorce differ widely in the various states and are frequently so technical that the real causes of the shattered fam-

2. See J. P. Lichtenberger: *Divorce, a Study in Social Causation.*

ily life are concealed. This characteristic also is not so true of the records and and procedure in the matter of desertion and non-support. Here the legal machinery is more simple and direct although not always effective. Desertion as one of the eleven causes of divorce in Pennsylvania is largely a legal ficton. Neither it nor the larger problem of divorce itself will be directly considered in this study.

Much literature has appeared upon the institutions of marriage and the family. Only recently have there been attempted many studies of their pathological phases such as divorce and desertion. This may be attributed to the fact that although divorce is older than the Christian era, its rapid increase is a modern phenomenon. The problem of desertion is almost as old as civilization and we find it mentioned in the famous legal code of Hammurabi, king of ancient Babylon. On the other hand it does not become the pressing social problem of to-day until the great urban development which followed the Industrial Revolution. The literature upon desertion is as scarce as it is recent. The pioneer work was that of Miss Zilpha D. Smith, the general secretary for the organized charities of Boston. This appeared in 1901 and was entitled *Deserted Wives and Deserting Husbands: a study of two hundred and thirty four families based on the experience of the district committees and agents of the Associated Charities of Boston.* The following year in the annual report of the Philadelphia Society for Organizing Charity there were a dozen pages devoted to the report of a committee appointed to study the local problem of desertion. In 1905 there appeared a study of *Five Hundred and Seventy-four Deserters and their Families: a descriptive study of their characteristics and circumstances.* This analysis of Miss Lilian Brandt is unique among most studies of desertion in that it is not local. Organizations from fifteen different states are represented. It was accompaniedby a survey of desertion and non-support laws up to date. In 1916, there appeared a study of desertion for Chicago by E. E. Eubank. This excellent work, which was done by the Department of Public Welfare of the City of Chicago, represents mainly the stock yard section. In 1919 there was published by the Russell Sage Foundation one of the best books in existence upon desertion. This was written by Joanna C. Colcord, superintendent of the Charity Organization Society of New York and entitled, *Broken Homes: A Study of Family Desertion and its Social Treatment.* In addition to these works there are reports upon the subject of family desertion

to be found in the proceedings of the National Conference of Charities and Corrections. Private agencies such as the National Conference of Jewish Charities and the National Conferences of Catholic Charities have had the matter under discussion. The same is true of various state conferences upon charities and corrections. In 1911 there was established the National Desertion Bureau with headquarters in New York City. This organization has published several reports upon the subject.

There has been no recent general study of the subject of desertion in Philadelphia. Hence this general survey of the local situation rather than the analysis of some one of the many interesting questions that have thrust themselves forward at many points. At the outset it is desirable to make clear in what sense we are using the terms *desertion* and *non-support*. There are two possible approaches to the problem of desertion in Philadelphia, one from the cases which come before the organized charities of the city and the other from the cases which come before the municipal court. Because practically all the desertion studies have been made by and from the source material of organized charity, another approach was sought, that of the court cases. It is obvious that these two barometers for the interpretation of desertion and non-support are not separate, but that they frequently overlap. Many of the desertion and non-support cases of organized charity are brought into court, but many are not. There may be little possibility of compelling the deserting or non-supporting husband to resume the obligations of married life. The pauper, diseased or vagrant husband may be regarded as a good riddance. There is little incentive to bring a man into court unless there is some opportunity of getting financial support. Thus, many relief cases, classified as desertion or non-support never find their way into court. On the other hand, the court cases are not merely confined to "the submerged tenth." It must be pointed out in the beginning that many court cases classified as desertion or non-support would not be so classified by the workers of organized charity using the words in more specialized and restricted senses. Indeed, the legal charge of desertion or non-support may sometimes be used merely as an excuse to get the domestic relations case into court. Other causes may be responsible for the domestic maladjustments which thus find their way into the Domestic Relations Division of the Municipal Court. Technically, the case is one of desertion when either spouse has left the other. It is a non-support case when the husband is living at

home, but is not supporting his wife. This study of desertion and non-support refers to those cases which are legally recorded as such when the alleged deserting or non-supporting husbands are brought into court. We have no method of estimating how many cases there are which do not come into court. There are many wives who prefer to endure their domestic troubles rather than to suffer the disgrace or the trouble of bringing their husbands into court. To estimate the amount of "silent desertion" which is never recorded would be merely conjecture. This study has also been largely confined to the five year period from 1916 to 1920 inclusive. Three important factors cut across it and make it both interesting and difficult for the student to draw conclusions. These are the war, national prohibition and the economic situation. Under this last topic may be included the rise and fall of real wages and the changing conditions of employment.

## II. THE AMOUNT OF DESERTION AND NON-SUPPORT

The total number of cases in the Domestic Relations Division of the Municipal Court of Philadelphia for the five years from 1916 to 1920 is as follows:

TABLE I. TOTAL NUMBER OF COURT CASES

| | |
|---|---|
| 1916 | 7337 |
| 1917 | 8201 |
| 1918 | 6949 |
| 1919 | 8204 |
| 1920 | 9615 |

These gross figures are very misleading and need considerable refinement before we attempt to trace the course of desertion during this period. The large number of cases in 1919 and in 1920 is to be explained by the fact that in 1919 there were transferred a large number of cases from the Court of Quarter Sessions which had handled such matters before the establishment of the Municipal Court.

Again, it is necessary to limit ourselves to those cases which are properly desertion and non-support in our sense of the words. Such cases constitute the bulk of those handled by the Court of Domestic Relations and average about nine tenths of the total number of cases. Thus, we exclude the cases of children who are being forced by the courts to support aged parents and limit ourselves to the deserting or non-supporting spouses and parents.

A much greater cutting of the gross figures occurs when we exclude the recurrent cases. Many cases are merely reopened and hence may appear several times. Unless we eliminate such old cases

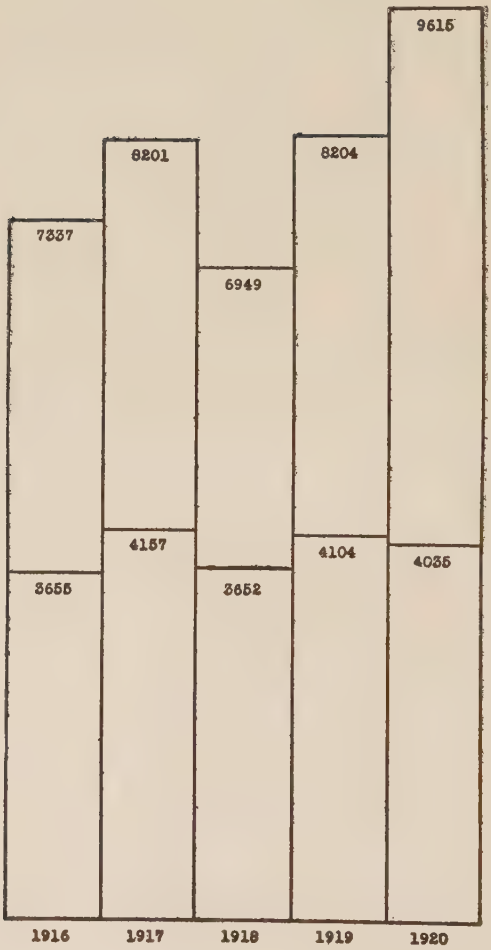


Fig. 1. Number of new desertion and non-support cases compared with total number of cases in Philadelphia Court of Domestic Relations.

we have duplication and a much greater amount of desertion than is correct. The percentage of recurrent cases averages a little less than half of the total number. The yearly rate is as follows:

TABLE II. RATE OF RECURRENCY

| | | |
|---|---|---|
| 1916 | 46 per cent | |
| 1917 | 46 per cent | |
| 1918 | 42 per cent | |
| 1919 | 18 per cent | (Refined Rate: 35 per cent) |
| 1920 | 52 per cent | |

The rate is fairly constant except for the last two years when the deviation can be explained in terms of the transferred cases. Cases transferred from the Court of Quarter Sessions in 1919 were received and technically listed as new cases although in reality they were very old cases. Hence, the rate of eighteen per cent (18%) in 1919 is misleading. Upon excluding the transferred cases the recurrent rate rises to thirty-five per cent (35%). The slightly higher rate for recurrent cases in 1920 is also to be explained by the large number of transferred cases in the preceding year.

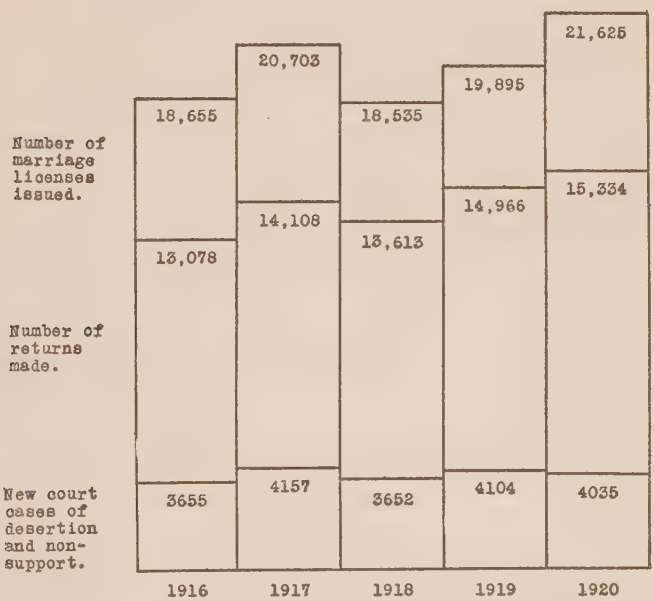


Fig. 2. Philadelphia marriage and desertion rates.

Let us limit ourselves to the number of desertion and non-support cases which are properly such and assume that the rate is to be read in the number of new cases only. The refined figures for the period under discussion are now as follows:

TABLE III. NEW COURT CASES

| | |
|---|---|
| 1916 | 3655 |
| 1917 | 4157 |
| 1918 | 3652 |
| 1919 | 4104 |
| 1920 | 4035 |
| Yearly average | 3921 |

The absolute number of new cases of desertion is not so significant as the ratio to the population or to the marriage rate. Over any long period of time it is perhaps more essential to obtain the ratio to the population than during short periods in which population changes cannot be so great. We have the recent census figures for the city of Philadelphia in 1920 and the older figures for 1910. For each of the five years studied it is impossible to get the exact population of Philadelphia. In order to approximate the population for the intervening years between the two censuses, we shall have to distribute the gain in population between 1910 and 1920 evenly throughout the intervening ten years. Such is the method used by the United States Census Bureau and the Philadelphia Bureau of Vital Statistics. For the period under consideration such a method is somewhat unfair. The war industries, particularly the ship building trades, attracted to Philadelphia a considerable floating population. Although married men brought their families it is fair to assume that in this rather mobile population the proportion of adults was somewhat higher than in the general population. If the actual population for 1918 was larger than the approximated figures, the ratio will be affected accordingly. Hence, if the rate of desertion to the population shows a decrease in that year it is all the more remarkable. The comparison by years is as follows:

TABLE IV. DESERTION RATE COMPARED WITH TOTAL POPULATION

| | *Total Population* | *New Desertion Cases* |
|---|---|---|
| 1916 | 1,709,518 | 3655 |
| 1917 | 1,735,514 | 4157 |
| 1918 | 1,761,371 | 3652 |
| 1919 | 1,787,225 | 4104 |
| 1920 | 1,823,779 | 4035 |

Inasmuch as desertion is a phenomenon of married life the total population is not the fairest base to use in obtaining a proper ratio. Let us eliminate children under sixteen years of age and base the number of desertions not upon the total population, but rather upon the marriageable population. Here we shall use the following figures prepared for the five years by the Philadelphia Bureau of Vital Statistics by a process similar to that described in the preceding paragraph.

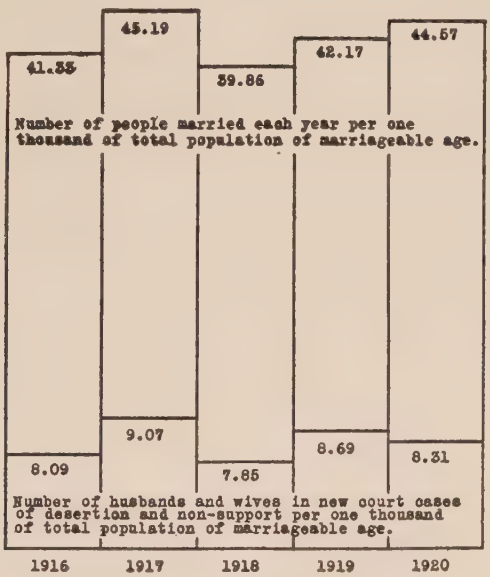


Fig. 3. Desertion and marriage rate in Philadelphia.

TABLE V. DESERTION RATE COMPARED WITH MARRIAGEABLE POPULATION

| | *Marriageable Pop.* | *New Desertions* |
|---|---|---|
| 1916 | 902,626 | 3655 |
| 1917 | 916,276 | 4157 |
| 1918 | 929,933 | 3652 |
| 1919 | 943,583 | 4104 |
| 1920 | 970,424 | 4035 |

The result is that the number of deserted wives and non-supporting husbands per one thousand of the marriageable population is as noted in Table VI.

It will be seen that there was an increase in 1917 over 1916 of one whole person. In 1918 there was a decrease of more than one whole person, which is conservative for the reason previously given. In 1919 there is an increase of almost one whole person, followed in 1920 by a drop of almost half a person.

TABLE VI. DESERTION RATE PER THOUSAND MARRIAGEABLE POPULATION

| | |
|---|---|
| 1916 | 8.09 |
| 1917 | 9.07 |
| 1918 | 7.85 |
| 1919 | 8.69 |
| 1920 | 8.31 |

For the period studied the average annual number of new deserting husbands and deserted wives to one thousand of the marriageable population was between eight and nine (8.4).

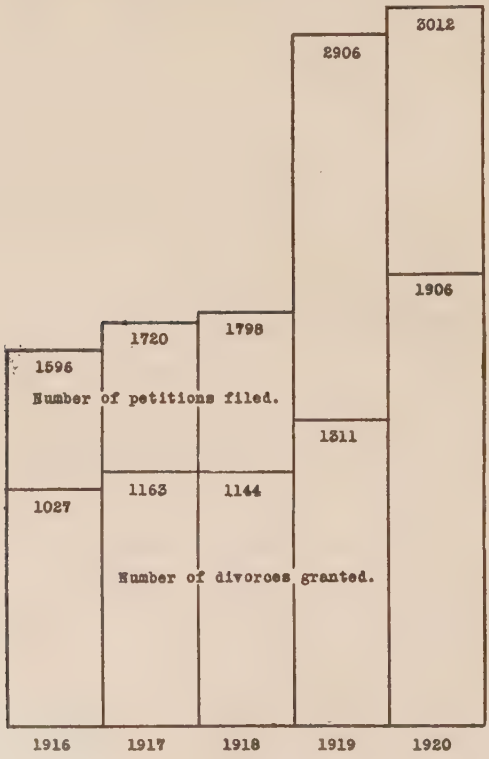


Fig. 4. Divorce rate in Philadelphia.

The last Pennsylvania census (1920) showed that in Pennsylvania fifty-eight per cent (58%) of the population of marriageable age were actually married. If we eliminate from the adult population single persons, widows, widowers and divorcees the rate will be correspondingly larger. The average yearly number of new deserting husbands and deserted wives becomes over fourteen (14.5) per thousand of the married population. It must be remembered that this represents only the new cases of desertion, and also only those which have come into the court. On the other hand, not all these domestic relation cases classified as desertion and non-support would be so called by relief agencies. Another way of approaching the problem is to base the rate not upon the population, but upon the number of families. The census for 1920 recorded 402,946 families living in Philadelphia. If we use this as our base we find that the average annual number of new cases for the period studied was almost ten (9.73) for every thousand families in the city.

A comparison of the desertion rate with the marriage rate is even more alarming. In comparing desertion with population we were forced to choose between total population and marriageable or married population as a proper base. In comparing the desertion rate with the marriage rate we are forced to make a somewhat similar choice regarding our base. Shall we infer the marriage rate from the total number of licenses issued or merely from the number of cases in which returns were made? The law specifically states that clergymen officiating at marriages shall fill out the form provided and return to the Bureau of Vital Statistics. In spite of the best efforts of the director, a large proportion—perhaps one-fourth of the total—never make returns. The number of marriages performed is somewhere between the number of licenses issued and the number of returns made. It is certainly nearer the former than the latter. In order to make our ratio as conservative as possible we shall use as our base the total number of marriage licenses issued.

TABLE VII. MARRIAGE RATE IN PHILADELPHIA

| | *Total number of marriage licenses issued* | *Returns made* | *Rate per thousand of population of marriageable age* |
|---|---|---|---|
| 1916 | 18,655 | 13,078 | 41.33 |
| 1917 | 20,703 | 14,108 | 45.19 |
| 1918 | 18,535 | 13,613 | 39.86 |
| 1919 | 19,895 | 14,966 | 42.17 |
| 1920 | 21,625 | 15,334 | 44.57 |

If we compare the desertion rate with the marriage rate, the pro-

portion is as one to five. The ratio by years of the number of new desertion cases in court to the number of licenses issued gives us the following percentages:

TABLE VIII. MARRIAGE AND DESERTION RATES COMPARED

| | *Marriage Licenses* | *New Desertion Cases* | *Per Cent* |
|---|---|---|---|
| 1916 | 18,355 | 3,655 | 19.6 |
| 1917 | 20,703 | 4,157 | 20.08 |
| 1918 | 18,535 | 3,652 | 19.7 |
| 1919 | 19,895 | 4,107 | 20.6 |
| 1920 | 21,625 | 4,035 | 18.6 |

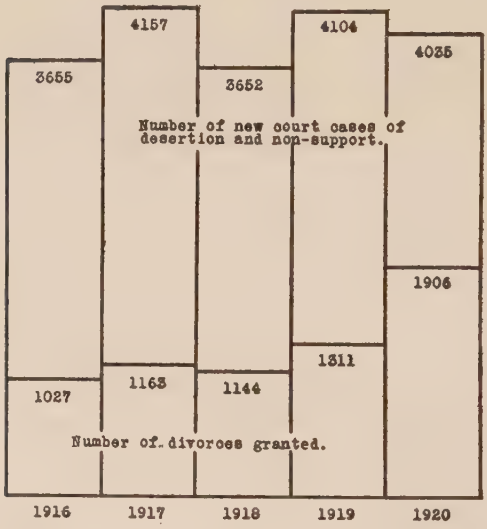


Fig. 5. Divorce and desertion rates in Philadelphia.

From the above table it would seem that about one-fifth of the marriages in Philadelphia land in the Court of Domestic Relations. This fact is more alarming because we are including only those cases of desertion and non-support which go through the local courts. It may be objected that all those who are married in Philadelphia do not reside in that city, and on the other hand that all the desertion cases in the Philadelphia Domestic Relation Court do not represent marriages performed in that city. Case records show, however, that the greater proportion of desertion cases represent Philadelphia made marriages. Moreover, there is little reason for assuming that the greater proportion of couples married in Philadelphia, who move

elsewhere, enjoy a greater amount of domestic tranquility than in Philadelphia. Although it is frankly admitted that the personnel of Philadelphia's population does not remain the same, nevertheless it is significient enough that the proportion of desertions which occur there to the number of marriages performed there is as one to five. To trace the rise and fall by years of the ratio between the number of desertions and the number of marriage licenses issued would be insignificant. It is obvious that desertions of a given year do not represent the marriages performed in that year. Although the general ratio is important, the yearly rise and fall of the desertion rate must be based upon population in order to get the significant changes.

A comparison of the divorce rate in Philadelphia for the five year period with the desertion rate is also interesting. The following table shows the number of suits filed and the number of divorces granted in each year:

TABLE IX. DIVORCES IN PHILADELPHIA

| | *Suits filed* | *Divorces granted* |
|---|---|---|
| 1916 | 1,596 | 1,027 |
| 1917 | 1,720 | 1,163 |
| 1918 | 1,798 | 1,144 |
| 1919 | 2,906 | 1,311 |
| 1920 | 3,012 | 1,906 |
| 1921 | 2,481 | 1,947 |

The number of suits filed showed a slight, steady increase in 1917 and in 1918 over that of 1916. In 1919 and in 1920 there was a great jump in which the rate almost doubled itself. There was a fall in 1921 although not a return to former levels. In the number of divorces granted there is a somewhat similar slow increase in the earlier years, followed by a later and more rapid increase. The jump in the rate takes place, however, a year later in 1920 and in 1921. For the period studied the divorce rate, as read by either barometer, shows an increase. This is at first slow, but rises sharply a year after the close of war. On the other hand, we cannot say that the desertion rate as read by the court cases shows any great net increase for this period. Again, the annual fluctuations in the two rates are different. The annual rate of new desertion cases, as we have observed it, shows an alternate annual rise and fall. This will be discussed later.

The average annual number of suits filed in the Philadelphia County Courts for this period was two thousand two hundred and six (2,206)

and the average annual number of divorces granted was one thousand three hundred and twenty-one (1,321). On the other hand, the average annual number of new cases of desertion and non-support coming into the Philadelphia Court of Domestic Relations was three thousand nine hundred and twenty-one (3,921). This amount is almost twice as great as average annual number of divorce suits the filed and almost three times as great as the average annual number of divorces granted.

A five year period is too short a time to permit any generalization as to whether the desertion and non-support cases coming into the Court of Domestic Relations in Philadelphia are increasing or decreasing. On the whole the refined rate seems rather constant, as compared for illustration with the increasing divorce rate. Although there is no great net increase in the number of new court desertion cases during the period studied, there are some interesting yearly fluctuations. Both the gross and refined rates in 1917 show a rise over those of 1916. In 1918 there is a decline in both rates. Because of the transfer of cases in 1919 the gross rate is meaningless. The refined rate in 1919 shows an increase over that of 1918, which is followed by an almost negligible drop in the following year.

Many factors may be cited in attempting to explain these fluctuations, although no attempt will be made to measure their relative importance. In the first place let us speak of the economic enviroment. Attempts have been made to correlate cycles of business prosperity and depression with the rise and fall of the marriage rate. Attempting to do the same for the Domestic Relations Court cases resembles somewhat the converse of the same proposition. It is interesting to note that the relationship between the marriage rate and the number of court cases in the Domestic Relations Division is not an inverse relation, but a direct relationship except for the last year, where opposite tendencies are displayed. There does seem to be an inverse relationship between economic prosperity and the rate of desertion and non-support as read by the new cases in the Court of Domestic Relations.

There has been a tremendous amount of discussion as to the course of real wages during the war and the period immediately following. The hectic race between prices and wages went upward and then downward within a very short period. There has been much partisan and very little scientific discussion as to the course of real wages in

this period. Professor David Friday in *Profits, Wages and Prices* arrives at the conclusion that real wages have not suffered. In this conclusion he stands almost alone and numerous criticisms have been directed at the method by which his estimates were obtained. Two recent articles point in the other direction and what is more significent for our purposes attempt to show the fluctuations for the particular years. Mr. Abraham Epstein, Director of the Old Age Pension Commission of Pennsylvania, had an article in the May, 1921 issue of the Annals of the American Academy of Political and Social Science entitled *Have American Wages Permitted an American Standard of Living*? His conclusions as to the fluctuations of real wages for the period are somewhat simular to those of Professor P. H. Douglass of the University of Chicago in an article entitled, *The Movement of Real Wages from 1890 to 1918*, which appeared in the spring issue of the American Economic Review for 1921. We quote as follows from the latter article:

> From 1912 to 1916 money wages not only held their own but indeed gained slightly upon prices, but the sudden upward movement of prices in 1916 was accompanied by only a slight increase in wage rates and the result was that in two years the purchasing power of hourly wage declined 27.1 per cent and the purchasing power of full time weekly earnings 26 per cent. Money wage began to gain upon prices in 1918 and in consequence real wages rose in that year over the low water mark of 1917.

This analysis may throw some light upon the rise in 1917 and the fall in 1918 of both the new and old cases in the Court of Domestic Relations. Employment was peculiarly easy to obtain in Philadelphia in 1918. It is too early as yet to get any reliable studies of real wages for the last two years, but the industrial depression which began within two years of the armistice must be considered. Although prices were high during the war, employment was plentiful. This was especially true in Philadelphia. The reverse of this situation became true with the shutting down of the local war industries and the development of a period of economic depression. Unemployment was more severe in 1920 than in 1919 and the earlier stages of economic depression were displaying themselves.[3] The domestic relations cases show a rise in 1919, but only to about the level of 1917. The new court cases of desertion and non-support in 1920 do not show any increase over those of 1919, but if anything, a slight decrease. The pos-

3. See *The Crisis of* 1920 *in the United States* by W. M. Persons in the American Economic Review Supplement, March 1922.

sible effect of the advent of national prohibition in this year will be discussed later.

In conclusion, it may be said that our study does seem to show some correlation between economic conditions and the rate of desertion and non-support. The connection is not close because the annual fluctuations of the desertion rate are not very great. Moreover, the last year (1920) does not show the increase which would be expected. Again, the period is not only very short, but it is crossed by other important factors. Finally, it must be remembered in what sense we are using the term desertion. We are reading the desertion rate in the annual number of new cases listed as desertion and non-support in the Domestic Relations Court. This must be remembered when the above results are compared with the other studies mentioned in the following paragraphs. It goes without saying that a certain allowance must be made in point of time. Cases are not brought into court immediately, and this "spread" must be considered.

Studies made in other places and at other times from the appeals to organized charity do not show such a correlation. The Boston investigation of 1901 made by Miss A. D. Smith did not show such a result. E. E. Eubank's study in Chicago also showed just the reverse. We quote the latter as follows:

> During the winter of 1914-1915 Chicago, in company with the other cities of the United States, passed through the severest condition of unemployment of more than two decades. The strain upon her public and private charities was the most exacting that they have ever experienced. Yet the percentage of applications for relief from deserted families was much less than in normal years.

There was an increase of thirty-five per cent in the number of cases aided and an actual decrease of ten per cent in the percentage of desertion cases. The secretary of Society for Organizing Charity in the city of Philadelphia asserts that the percentage of desertion cases aided in this city has been remarkably constant. Mr. Max Herzberg, Secretary of the United Hebrew Charities of Philadelphia wrote as follows in the Philadelphia City Club Bulletin of February twelfth, 1913:

> Poverty enters very little into the question of family desertion. In other words men do not desert their wives because of industrial conditions; they very rarely desert them because of unemployment. I have taken the trouble for a number of years to gather some statistics on the question of causes of desertion, and particularly with reference to the question of desertion in so called periods of industrial crisis; and taking the last five or six years (prior to 1913) as a criterion and statistics of the years prior to that will prove the

same thing. I find that in 1906 seventeen and one-half per cent of all the cases which came to our attention were due to lack of employment or insufficient work, and twelve per cent were cases of desertion. In 1907, when times were getting worse, the cases of application for relief were nineteen per cent for lack of employment, and only nine per cent were cases of family desertion. In 1908 which was almost the high water mark of the panic we had forty per cent of the applications due to industrial conditions, and only nine per cent were due to family desertion. In 1919, a year in which we all had a hard time to cope with conditions, fifty per cent of our applications were due to employment, and only six per cent were due to family desertion.

During this five year period thewar played an important part, how important it is difficult to determine. During the year 1917 war was declared and this early period was the time when most of the voluntary enlistments took place. Assuming an equal amout of patriotism upon the part of all heads of families, those who held family responsibilities most seriously were more apt to inhibit their tendencies to enlist. It will be remembered that our desertion rate rose in 1917, fell in 1918 and rose again in 1919. In 1918 the selective service method was operating more smoothly and married men with children were placed in deferred classifications. In 1919 there took place the demobilization of the greater part our army. This was a very important factor because it concerned several millions of men, practically all of whom were of marriageable age. Making soldiers of citizens was a great process of adjustment. An equally difficult process of adjustment was the return of a large portion of our male population from the camp life to the home life. To what extent did military service in the Great Adventure stimulate the wanderlust and unfit husbands for the humdrum routine of domesticity? Attachments, perhaps of a clandestine sort, may have been formed in other sections of the country. Complete figures are lacking, but the records of the Red Cross and the various societies for organizing charity present numerous cases of ex-service men who attempted to shun the resumption of domestic ties or who found a return to the responsibilities of married life undesirable. However, it is easy to over-estimate this influence and conviction can only be secured by proof that the number of cases of desertion and non-support among ex-service men is greater than among the total married population of the military age.

The breakdown of the possible correlation between the rate of desertion and general economic conditions during the last year of our study (1920) might be eagerly seized upon by the friends of prohibition. Unfortunately, we cannot accept such a simple explanation. How far, if at all, was the advent of national prohibition responsible for

TABLE X. CHARGE OF ALCOHOLISM

| | 1919 | | 1920 | |
|---|---|---|---|---|
| | *No.* | *Per cent of total charges* | *No.* | *Per cent of total charges* |
| January | 118 | 13.7 | 26* | 3.8 |
| February | 92 | 12.7 | 15 | 2.9 |
| March | 84 | 10.9 | 28 | 3.6 |
| April | 109 | 12.5 | 40 | 5.7 |
| May | 111 | 13.3 | 42 | 6.0 |
| June | 106 | 11.4 | 50 | 6.3 |
| July | 64* | 7.8 | 62 | 6.9 |
| August | 45 | 6.0 | 64 | 7.3 |
| September | 58 | 7.0 | 70 | 8.5 |
| October | 52 | 7.0 | 73 | 8.6 |
| November | 43 | 7.6 | 57 | 8.0 |
| December | 32 | 5.4 | 56 | 8.6 |

*July 1919—Advent of War Legislation. January 1920—National Amendment in force.

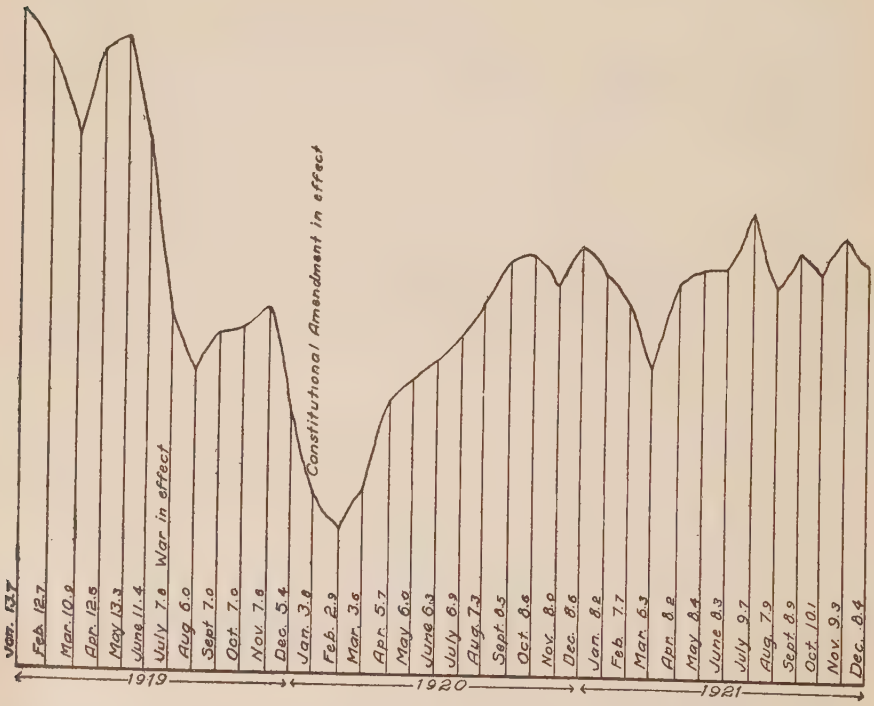


Fig. 6. Drunkenness as a causal factor in desertion and non-support cases (expressed by months in 1919, 1920 and 1921 in terms of percentages of total factors).

the decline in the number of domestic relations cases in 1920 in spite of the less prosperous economic conditions of that year? An answer favorable to prohibition might be made if it were not for a study of the charges brought against deserting and non-supporting husbands. In the early months of prohibition the charges of alcoholism gradually decline, only to rise again, however, in 1920. The accompanying chart shows the almost steady drop from July 1919[4] to February, 1920, after which time there is a gradual rise again until October, not reaching, however, the former high level. The total number of times alcoholism is mentioned as a charge against husbands is as follows for the years of 1919 and 1920. Later an attempt will be made to analyse this charge of "alcoholism."

III. THE FACTORS OF RACE, NATIONALITY AND RELIGION

Let us pass now from a survey of the amount of desertion and non-support in Philadelphia to a study of the causal factors. It must again be emphasized that our study is confined to the court cases and that it is impossible to generalize in our conclusions. A common method of classifying causes is into environmental and individual. Although such a scheme is overlapping, it affords a good method of approach. We shall consider first the factors of race and nationality, second the social and economic environment from which the court cases come, third the importance of conjugal conditions and fourth the individual charges.

Before considering the above factors a word of caution is necessary. Desertion is a phenomenon of broken family life in the so-called lower economic and social classes. Divorce is its counterpart in other social and economic groups. A great proportion of the negro population is to be found in the social classes furnishing desertion and non-support, rather than in those which furnish divorce. Hence, a high rate of desertion and non-support among the negroes is to be discounted accordingly. The same is true to a less extent of the immigrant. The importance of such discounting has been pointed out in studies of pauperism. In 1917, for illustration, the Philadelphia Society for Organizing Charity had three hundred and three (303) colored applicants as against one thousand two hundred and two (1,202) native American whites, making a ratio of one to four. The ratio for the population of the entire city for these groups in the same year was as one to fourteen. It is hardly fair to say that the rate of pauperism of the negroes for that year was from three to

4. See Annual Report of Municipal Court for 1920.

four times as great as that of the native white groups. The negroes live for the most part in those social and economic groups which furnish most of the pauperism.

TABLE XI. DESERTION AND NON-SUPPORT ACCORDING TO RACE AND NATIONALITY[5]

| | Per Cents 1916 | | Per Cents 1917 | | Per Cents 1918 | |
|---|---|---|---|---|---|---|
| *Nativity* | *Court Cases* | *Entire City* | *Court Cases* | *Entire City* | *Court Cases* | *Entire City* |
| Native white | 60. | 69. | 60. | 70. | 58.7 | 61.5 |
| Colored | 10. | 5.5 | 9. | 5. | 15.7 | 5.6 |
| Foreign white | 30. | 24.7 | 31. | 25. | 24.5 | 32.9 |
| *Countries represented* | | | | | | |
| Russia | 10. | 5.85 | 9. | 6. | 8.8 | 11.8 |
| Great Britain | 8. | 8.64 | 8. | 9. | 4.4 | 6.8 |
| Germany | 3. | 3.96 | 4. | 4. | 2.8 | 3.8 |
| Austria | 2. | 1.28 | 1. | 1. | 2. | 2.7 |
| Hungary | 1. | 0.8 | 1. | 1. | .... | .... |
| Italy | 4. | 2.92 | 4. | 3. | 3.7 | 5.3 |
| Scandinavia | 0.4 | 0.3 | 0.6 | 0.3 | 0.3 | 0.5 |
| All others | 1.6 | .... | .... | .... | .... | .... |

The two columns of figures for each of the three years and for each of the nationalities represented are percentages. The first column under each year represents the percentage of cases which that group furnishes to the court in comparison with the total number of court cases. The second column for each year represents the percentage which the same national group is of the total city population. In the year 1918 the base used is not the entire population, but the population over fifteen years of age. The results are very interesting. Let us dispose first of the negro group. Here we may say rather definitely that colored families furnish an amount of desertion entirely out of proportion to their percentage of the total population. In 1916 and 1917 colored families furnished about ten per cent (10%) of all the court cases in desertion and non-support, while their proportion of the whole city's population was but about five per cent (5%). In another study made in 1919, out of the twelve hundred cases studied, the percentage of negro families rose to thirteen and two tenths per cent (13.2%). Although in the winter of 1918 to 1919 there was a considerable negro migration to Philadelphia and other northern cities it seems hardly sufficient to explain such a rise in the colored rate for those

5. Table XI represents between five and six thousand cases. It is a compilation of the tables found in the Annual Report of the Philadelphia Municipal Courts for 1916, p. 174, 1917, p. 52, and 1918, p. 54.

two years. In 1918 the comparison made is not to the total population but to the total population above the age of fifteen years. While the colored desertion cases for that year (as judged from the twelve hundred families studied) furnished fifteen and seven tenths per cent (15.7%) of the total number of cases, the percentage of adult negroes in the entire city was estimated at five and six tenths per cent (5.6%). Although the negro migration to the northern cities during the war makes such a percentage rather low, it cannot entirely explain away such an increase. Looking back over the period studied we may say that the number of desertion and non-support cases in Philadelphia was twice as great as the negro population would warrant.

The case is not so clear with regard to the foreign born population. At one time it was thought and taught that the immigrant furnished an undue amount of crime. It was observed that the percentage of foreign born in the prision population was in excess of the foreign born in the total population. Finally, one student pointed out that the total population was not the proper base. Both the prison and the immigrant population furnish a remarkably high proportion of males of the so-called criminal age. Basing the proportion, not upon the total population, but upon the population exclusive of old people and children a different result was obtained. If the base is restricted still further to the male population between those ages, the criminality of the immigrant will shrink still further. The study of desertion in Philadelphia presents a somewhat similar problem. For the cases studied in 1916 and in 1917 the base used was the entire population. While the native whites furnished sixty per cent (60%) of the court cases studied, their percentage of the entire population was about seventy per cent (70%). While the foreign born percentage of the court cases studied was about thirty per cent (30%), the percentage of foreign born in our entire city population was only about twenty-five per cent (25%). In the studies made in both years there was an excess of five per cent (5%) in the foreign born in the court cases as against their proportion in the entire population. If we refine the population by the exclusion of children, and make this the basis of our comparison, a different result is reached. This was done in a study of twelve hundred cases in the year of 1918. While the native whites furnished over fifty-eight per cent (58%) of the court cases their percentage of the adult population was sixty-one per cent (61%). The difference has been cut down to almost equality. In the case of the foreign born the differ-

ence is more remarkable. The foreign born furnished about thirty-three per cent (33%) of the adult population of the city, but only a little over twenty-four per cent (24%) of the court cases. The discrepancy in the figures is explained by the high proportion of negro desertion figures for that year. A study of twelve hundred cases in the year 1919 gives further evidence of the same sort. Here the percentage of native whites in the court is considerably under their ratio to the entire population, but only slightly under their ratio to the adult population. The foreign born show a proportion of court cases in excess of their ratio to the entire population, but not of the adult population. Assuming that the latter is the proper basis of comparison, we may say that the foreign born of Philadelphia have not furnished an undue proportion of cases of desertion.

A comparison of the various nationalities represented in the previous table is almost impossible. At first glance it would appear that that there is relatively less desertion, as read by these court cases, among some national groups than among others. A closer study, however, will show the danger of such a generalization. It may well be that the immigrants from Great Britain and Germany are furnishing the Philadelphia Court of Domestic Relations with comparatively fewer cases than the more recent immigration groups from eastern and southern Europe, but the case cannot be proven from the material at hand.

It has been claimed that mixed marriages are frequently disastrous. These are of two types, one inwhich the parties are of different nationalities and the other where the parties are of different religious faiths. Unfortunately, we do not know from this study what proportion of marriages represent different nationalities, nor where the proportion of marital failures are relatively the highest. Although the number of native born and foreign born marriages is rather high, these do not necessarily represent different national groups, although one party may have been born in the new country and the other in the old country. Indeed, among some immigrant groups in America, it is alleged that the policy of getting a wife from the home country is rather popular. Considerable residence in America is regarded as unfitting a girl for submissive domesticity. The extent and effects upon family life of immigrant marriages within different national groups and with the native born would make a very interesting study.

Another element of interest is length of residence in the new

country. The study of a thousand court cases was made in 1916 and shows the following:

TABLE XII. LENGTH OF RESIDENCE OF LITIGANTS[6]

| *Length of Residence in the United States* | *Husband* | *Wife* | *Total* |
|---|---|---|---|
| Under one year | 1 | 3 | 4 |
| One year | 2 | 5 | 7 |
| Two years | 16 | 21 | 37 |
| Three years | 38 | 46 | 84 |
| Four years | 40 | 45 | 85 |
| Five years | 31 | 36 | 67 |
| Six to ten years | 213 | 26 | 239 |
| Eleven to twenty years | 341 | 327 | 668 |
| Over twenty years | 288 | 241 | 592 |
| Unknown | 130 | 120 | 250 |

Our problem does not appear among the foreign born until after the first couple of years in America, when the rate rises rather sharply. This would appear easy of explanation. It may be that the immigrant husbands and wives are apt to cling closer to each other amid the strangeness of the new world. It is certainly true that their ignorance of the law and the mechanism of the courts and justice tends, especially at first, to keep their domestic difficulties out of the courts. A more significant feature of the above study is that the rate of court cases does not show the same steady rate of decline for the mature years of married life as would be shown in a similar study of cases taken from total population. After the process of adjustment in the new world has been begun, new problems appear. Strange and difficult living conditions appear. Immigrants are crowded into the congested quarter of the city. Housing conditions are such that several families must live together. The problem of the lodger threatens the family life, for among the immigrants there is an excess of unmarried men. The remarkable thing is that the family life of these immigrant peasants endures so well the process of urbanization in America. It may well be that the situation is more serious than the proportion of court cases would indicate, because of the reluctance of the immigrant to use the machinery of the law.

Another important factor besides that of nativity is religion. Its significance may be glimpsed by seeing the overwhelming proportion of marriages which are sanctified by some sort of religious service. The following studies were made of several thousand court cases to ascertain the type of marriage ceremony which was used. There

6. See Annual Report of Philadelphia Municipal Court for 1916. p. 175.

is no reason for supposing that the high proportion of religious marriages is something peculiar to desertion cases. The following figures are given merely to show the close relationship, at least formal, between religion and the marrage tie.

TABLE XIII. TYPES OF MARRIAGE CEREMONY[7]

| | 1917 | 1919 | *Total* | *Per cent* |
|---|---|---|---|---|
| Civil | 97 | 57 | 154 | Less than 7 |
| Religious | 1047 | 1080 | 2127 | More than 90 |
| Common law | 35 | 27 | 62 | Less than 3 |
| Total | 1179 | 1164 | 2343 | |

In our survey of the religions represented, we will restrict ourselves to the three most important groups in America, the Catholic, Protestant and Jewish. Minor sects like the Greek Catholic exist in Philadelphia, but are of small numerical importance. The following studies of Domestic Relations Court cases cover over six thousand cases.

TABLE XIV. RELIGIOUS AFFILIATIONS

| | 1916 | 1917 | 1918 | 1919 | *Total* | *Per cent* |
|---|---|---|---|---|---|---|
| Protestant | 1,135 | 483 | 564 | 504 | 2,686 | 42.8 |
| Catholic | 1,095 | 382 | 321 | 355 | 2,153 | 34.3 |
| Mixed (C & P) | 409 | 153 | 168 | 144 | 874 | 13.9 |
| Jewish | 263 | 95 | 93 | 119 | 570 | 9. |
| Total | 2,902 | 1,113 | 1,146 | 1,122 | 6,283 | |

The church census for 1916 reports over four hundred thousand (400,000) Roman Catholics and over three hundred thousand (300,000) Protestants in Philadelphia. This represents a proportion of about three Protestants to four Catholics in Philadelphia. This is just the reverse of the court cases, which show a similar excess of Protestants. This result is very interesting in view of the position of the Roman Catholic church upon divorce and the family. There are criticisms of this result which in fairness must be mentioned. It is claimed that the church census figures are not fair or typical because of the great numbers of Protestants who are unchurched, that is are not listed as members of any congregation. If they were included in the general population of the city, the number of Protestant court cases would not show any such excessive proportion. Moreover, we have seen that the rate for the negroes is rather high and this group is predominatingly Protestant. On the other hand, if the appeals to organized charity are at all typical of the total population, or better still of the population groups represented in the Domestic Relations

7. See Anual Report for 1917, p. 82.

Court cases, the above ratio between Catholics and Protestants must stand. In 1916 the number of Protestant cases cared for by the Society for Organizing Charity was two thousand one hundred and forty-eight (2,148), while the number of Catholic cases was two thousand three hundred and eighty-four (2,384) and the number of cases classified as mixed was two hundred and seventy-seven (277). In 1917 the number of Protestant cases was one thousand two hundred and seventy-three (1,273) and the number of Catholic cases one thousand five hundred and sixty-six (1,566).

The church census for 1916 gives the Jewish church membership a ridiculously small estimate. Because of the great number of this group that is unchurched it is impossible to state what their proportion is of the total city population. Their part of the total number of court cases is almost one tenth.

Unfortunately, we cannot compare the proportion of marriages between those of different religious faiths in the court cases with that in the general population. The latter information is lacking. In the preceding table four religious groupings were analysed from the court cases. Of these four groups mixed marriages between Protestants and Catholics comprised fourteen per cent (14%) of the total. This would seem to be a rather high figure. Moreover, religious differences are given frequently as a cause of domestic difficulties by those coming into the Court of Domestic Relations, as will be seen later.

## IV. THE SOCIAL AND ECONOMIC ENVIRONMENT

Let us turn next to a consideration of the social and economic environment of the families which are furnishing the Philadelphia Court of Domestic Relations with desertion and non-support cases. It must again be emphasized that it is impossible to generalize. The wealthier families may have no healthier family life and the broken marriage ties in those classes may be read in the divorce rate rather than in the amount of desertion and non-support which they furnish. On the other hand, some of the worst cases of desertion and non-support may never be brought before the courts. The social worker may not desire to bring the husband back into the home or the wife may despair of obtaining support from him. Our description of the social and economic environment is applicable then only to the group of cases studied.

Housing conditions furnish one key to standards of living.

The study of a number of desertion and non-support cases show that the Philadelphia Court of Domestic Relations draws from neither the wealthy nor the very poor classes. The great majority of families live in homes rather than in tenements or furnished rooms. Perhaps this is typical of Philadelphia rather than of the group studied. There is a considerable percentage of those who own their own homes. For the entire city the proportion among the total population was found to be twenty-six per cent (26%). Various studies of a number of court cases revealed the following proportions in the cases of the litigants. In 1916 two hundred and one (201) out of three thousand two hundred and ninety-four (3,294), representing six per cent (6.1%); in 1917 seventy (70) out of nine hundred and eighty two (982), representing seven per cent (7.1%), in 1918 sixty-one (61) out of one thousand and forty-one (1,041), representing five per cent (5.8%), and in 1919 ninety-four (94) out of nine hundred and ninety-six (996), representing nine per cent (9.6%) owned their own homes. Thus, the average percentage of home ownership among the cases is about seven per cent (7.1%) as compared with between three and four times that rate for the general population of the city. In a large number of cases the homes were mortgaged in varying degrees. The same is true of the general population.

The types of housing conditions prevalent among the litigants in the Philadelphia Court of Domestic Relations may be glimpsed from the following summary of studies made in 1916 and in 1919.

TABLE XV. HOUSING CONDITIONS[8]

| | 1916 | | | | | | 1919 | |
|---|---|---|---|---|---|---|---|---|
| | *White* | | *Colored* | | *Total* | | | |
| | *No.* | *%* | *No.* | *%* | *No.* | *%* | *No.* | *%* |
| Boarding houses | 304 | 10 | 21 | 6 | 325 | 10 | 37 | 4 |
| Furnished rooms | 344 | 12 | 116 | 34 | 460 | 14 | 115 | 11 |
| Apts. & tenements | 268 | 9 | 30 | 9 | 298 | 9 | 141 | 14 |
| Rented houses | 1858 | 63 | 172 | 50 | 2030 | 61 | 609 | 61 |
| Houses owned | 197 | 6 | 4 | 1 | 201 | 6 | 94 | 10 |

It will be noted how large a proportion of the families live in rented houses. The proportion reaches sixty-one per cent (61%) in the cases studied in the two years. For the colored families the proportion is less. It is still less in the proportion of homes owned. On the other hand, the proportion of families living in furnished rooms is much greater for the negro families than for the whites. These comparisons are true among the general population although we have not made quantitative comparisons in the rates.

8. See Annual Report for 1916, p. 182.

Housing conditions may also be rated according to the amount of rent raid. The following table covers some five thousand cases which have come befor the Philadelphia Court of Domestic Relations.

TABLE XVI. AMOUNT OF RENT PAID

| | 1917 | 1918 | 1919 | *Total* | *Per cent* |
|---|---|---|---|---|---|
| No rent, (living with relatives) | 37 | 86 | 127 | 250 | |
| Less than $5 | 49 | 36 | 11 | 96 | 3 |
| $ 5 - $10 | 225 | 151 | 420 | 796 | 29 |
| 10 - 15* | 337* | 314* | 210* | 861* | 31* |
| 15 - 20 | 209 | 250 | 111 | 570 | 20 |
| 21 - 25 | 63 | 78 | 43 | 184 | 7 |
| 26 - 30 | 28 | 38 | 19 | 85 | 3 |
| 31 - 40 | 21 | 31 | 43 | 95 | 4 |
| 41 - 50 | 9 | 8 | 20 | 37 | 2 |
| Above 50 | 2 | 8 | 13 | 23 | 1 |

*Median

It is interesting to note that in the three years studied the median rental did not rise as did the general cost of living. Later we shall see how wages rose in the same groups.

Another approach to housing conditions and standards of living is by a consideration of the size of the lodgings. The following table covers the years 1916, 1917 and 1919.

TABLE XVIII. SIZE OF LODGING[10]

| *No. of rooms* | 1916 | | | 1917 | 1919 |
|---|---|---|---|---|---|
| | *White* | *Colored* | *Total* | | |
| One | 492 | 146 | 638 | 171 | 121 |
| Two | 293 | 79* | 372 | 99 | 96 |
| Three | 255 | 23 | 278 | 91 | 88 |
| Four | 429 | 26 | 455* | 142 | 116 |
| Five | 1446* | 124 | 1570 | 90* | 103* |
| Six | 1446 | 124 | 1570 | 225 | 196 |
| Seven | 1446 | 124 | 1570 | 105 | 96 |
| Eight | 1446 | 124 | 1570 | 61 | 51 |
| Nine or more | 1446 | 124 | 1570 | 57 | 63 |

*Median

It is interesting to observe that the jump in the median size of the lodging from 1916 to 1917 is very slight, and that there is no increase in 1919 over that of 1917. The difference between the white and negro standard of living as illustrated by the size of the lodging is significant.

Six thousand cases, half of which came into the Philadelphia courts in 1916 and the other half in 1917 and 1918, show the follow-

9. See Anual Report for 1917, p. 85 and for 1918, p. 88.
10. See Annual Report for 1916, p. 183 and for 1917, p. 84.

ing medians for the number of rooms occupied in proportion to the size of the family.

TABLE XVIII. SIZE OF LODGINGS IN PROPORTION TO SIZE OF FAMILIES[11]

| *Size of family* | 1916 | 1917 | 1918 |
|---|---|---|---|
| Two | 4 rooms | 2 rooms | 3 rooms |
| Three | 4 " | 4 " | 4 " |
| Four | 4 " | 5 " | 5 " |
| Five | 5 " | 6 " | 6 " |
| Six | 5 " | 6 " | 6 " |
| Seven | 5 " | 6 " | 6 " |
| Eight | 6 " | 7 " | 6 " |
| Nine or more | 6 " | 7 " | 8 " |

In our study of the social-economic groups represented by the cases in the Court of Domestic Relations let us turn from a survey of housing conditions to a study of the occupations of the husbands which make up this group. The following table is based upon a study of twelve hundred cases in 1918.

TABLE XIX. OCCUPATIONAL GROUPS OF HUSBANDS[12]

| *Occupations of Husbands* | *Number* | *Percentage of court cases* | *Census Percentage for total pop. of city* |
|---|---|---|---|
| Proprietors, officials and managers | 64 | 5.3 | 27 |
| Clerks, etc. | 116 | 9.7 | 9 |
| Skilled workers | 313 | 26.1 | 13 |
| Semi-skilled | 262 | 21.8 | 12 |
| Laborers | 284 | 23.7 | 32 |
| Servants | 54 | 4.5 | 3 |
| Public officials | 9 | .7 | 4 |
| Semi-officials | 35 | 2.9 | 1 |
| Professional | 19 | 1.6 | 3 |
| Not stated | 44 | 3.7 | |

It will be seen that the first group has a much smaller percentage in the court cases than in the entire population. The same is true of the last group. Professional and prosperous business men are represented proportionally in this group. On the other extreme, the percentage of laborers and servants is also less than that in the entire population. On the other hand, the proportion of cases which come from the intermediate groups, representing particularly skilled and semi-skilled labor is far out of proportion to their percentage of the entire population. We cannot say that these groups have a more unstable family life or even that desertion itself is more common in these groups. With the higher social and economic groups divorce

11. See Annual Report for 1916, 1917 and 1918.
12. See Annual Report for 1918, p. 72.

plays a greater part that in the lower. With regard to the lowest groups we have no means of knowing how many cases of desertion occurred which never came into court. Indeed, all that we are permitted to say is that in the cases of desertion and non-support which come into the court the proportion is unduly high for these intermediate groups. The study of a similar number of cases made in 1917 shows the same result and gives us more information concerning the various occupations represented.

TABLE XX. OCCUPATIONS OF HUSBANDS[13]

| | *Mangers* | | *Clerks* | | *Skilled Workers* | | *Semi-skilled* | | *Laborers* | | *Total* | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Occupations* | *No.* | *%* | *No.* | *%* | *No.* | *%* | *No.* | *%* | *No.* | *%* | *No.* | *%* |
| Agriculture | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | 5 | 0.5 |
| Manufacturing | 24 | 2.0 | .... | .... | 336 | 29.0 | 169 | 14 | 140 | 12.0 | 669 | 57.5 |
| Transportation | 7 | 0.6 | 7 | 0.6 | 4 | 0.3 | 63 | 5 | 106 | 9.0 | 187 | 15.5 |
| Trade | 47 | 4.0 | 40 | 3.0 | .... | .... | 15 | 1 | 10 | .8 | 112 | 9.0 |
| Public service (detectives, inspectors, firemen, etc.) | | | | | | | .... | | .... | .... | 39 | 4.0 |
| Professional | 28 | 2.0 | .... | .... | .... | .... | .... | .... | .... | .... | 28 | 2.0 |
| Domestic and personal service | 5 | 0.4 | .... | .... | .... | .... | 12 | 1 | 72 | 6.0 | 89 | 7.0 |
| Other clerical | .... | .... | 48 | 4.0 | .... | .... | .... | .... | .... | .... | 48 | 4.0 |
| Total ct. cases | 111 | 9.0 | 95 | 7.6 | 340 | 29.3 | 259 | 21 | 328 | 27.8 | .... | .... |
| Per cent in city population | .... | 27.0 | .... | 9.0 | .... | 13.0 | .... | 12 | .... | 32.0 | .... | .... |

Let us now approach the problem of classification into social-economic groups not from the side of the occupations represented, but from the wages received. The following table covers over six thousand cases from the year 1916:

TABLE XXI. WAGES OF HUSBANDS IN 1916[1]

| | *Number* | | *Per cent* | | *Total* | |
|---|---|---|---|---|---|---|
| *Wages received* | *White* | *Colored* | *White* | *Colored* | *Number* | *Per cent* |
| Under $10 | 157 | 74 | 6 | 24 | 231 | 7½ |
| $10 — 15 | 1234 | 186 | 45 | 59 | 1420 | 46½ |
| 16 — 20 | 767 | 42 | 28 | 13 | 809 | 26½ |
| 21 — 25 | 362 | 9 | 13 | 2 | 371 | 12¼ |
| Over 25 | 216 | 3 | 8 | 2 | 219 | 7¼ |
| Total | 2736 | 314 | 100 | 100 | 3050 | 100 |

In the above desertion cases studies in 1916 the median wage for the white group was about fifteen dollars and that for the colored group somewhere between ten and fifteen dollars.

13. See Annual Report of Philadelphia Municipal Court for 1917, p. 63.
14. See Annual Reports for 1916, 1917 and 1918.

A similar study in 1917 and 1918 would seem to show that desertion is the poor man's divorce. The figures are as follows:

TABLE XXII. WAGES OF HUSBANDS IN 1917 AND 1918

| *Wages received* | *Number receiving them in* 1917 | 1918 | *Total* |
|---|---|---|---|
| Unemployed | 15 | 11 | 26 |
| $ 3 | 1 | 2 | 3 |
| 5 | 2 | 1 | 3 |
| 6 | 3 | 0 | 3 |
| 7 | 2 | 2 | 4 |
| 8 | 2 | 1 | 3 |
| 9 | 13 | 1 | 14 |
| 10 - 11 | 53 | 11 | 64 |
| 12 - 13 | 133 | 27 | 160 |
| 14 - 15 | 197 | 104 | 301 |
| 16 - 17 | 123* | 97 | 220 |
| 18 - 19 | 150 | 137 | 287* |
| 20 - 24 | 209 | 267* | 476 |
| 25 - 29 | 78 | 158 | 236 |
| 30 - 34 | 47 | 82 | 129 |
| 35 - 39 | 18 | 41 | 59 |
| 40 - 44 | 8 | 28 | 36 |
| 45 - 49 | 4 | 7 | 11 |
| 50 - 59 | 7 | 7 | 14 |
| 60 - 69 | 1 | 4 | 5 |
| 70 - 79 | 3 | 5 | 8 |
| 80 and over | 5 | 9 | 14 |

*Median wage group

It will be seen that the median wage group in 1917 has advanced to those receiving about sixteen or seventeen dollars. In 1918 the median is to be found in the group making between twenty and twenty-four dollars. The median for the total number for the two year period is the group receiving eighteen or nineteen dollars. It is important to notice the small number unemployed during these two war years. A study of twelve hundred cases in 1919 shows that for that year the median wage has jumped to the group making between twenty-five and thirty dollars.

The social-economic groups which are furnishing our courts with the desertion and non-support cases are made up of those families which are dependent upon their own earnings for support. The class which lives upon income derived from property rights is almost non-existent. To how great an extent this is true may be seen from a study of twelve hundred court cases in 1919. In twenty-four cases no information could be secured, in forty-seven cases, representing only four per cent (4%) of the total there was some income from sources other than their own earnings and in eleven hundred and twenty-nine (1,129) cases, representing ninety-six per cent (96%) of

the total there was no such additional income. With regard to this four per cent (4%), in whose cases there was additional income over and above their earnings, how small a part it played may be seen from the following summary:

TABLE XXIII. FAMILY INCOME EXCLUSIVE OF WAGES

| *Size of additional income* | *Number of families receiving it* |
|---|---|
| Less than $5 per week | 4 |
| $ 5 - $ 9.99 | 15 |
| 10 - 14.99 | 9 |
| 15 - 19.99 | 6 |
| 20 - 24.99 | 3 |
| 25 - 49.99 | 9 |
| 50 - 99.99 | 0 |
| 100 and over | 1 |

Of this small group which boasts of income in addition to that from earnings the median amount is from ten to fifteen dollars a week. It must be remembered, however, that in many cases the family income is not solely made up of the wages of the father and husband. Although there may be no property income the family budget is frequently supplemented by the earnings of the wives and older children. In a study of twelve hundred cases in 1919 two hundred and eighty-two (282) women reported gainful employment as follows. We give the list of occupations because it is typical of other years.

TABLE XXIV. OCCUPATIONS OF WIVES GAINFULLY EMPLOYED

| | |
|---|---|
| Day workers | 66 |
| Factory operatives | 54 |
| Clerks and stenographers | 23 |
| Domestic servants | 19 |
| Waitresses | 17 |
| Saleswomen | 15 |
| Cleaners | 13 |
| Dressmakers and milliners | 12 |
| All others. e. g. employed in the home (boarding houses) | 53 |
| TOTAL | 272 |

In the twelve hundred cases, two hundred and seventy-two (272) women were gainfully employed and in 27 cases it was impossible to obtain information upon this point. Thus, for this group the percentage of wives employed is twenty-three per cent (23%) of the total. The economic emancipation of women has been stressed in explaining the modern increase of the divorce rate. In the case of women suing their husbands for desertion and non-support the relationship is not so clear. In the one case, it may be that women sue for divorce because they are able to support themselves, while a century ago it was far more difficult. May it be true to any extent

men are prompt to desert their wives because they feel that under modern conditions the wives can support themselves without their help? Was desertion and non-support less common in an economic regime when desertion resulted in an immediate appeal for charity because it was impossible for a woman to be economically independent? The fact that in so many cases the employment is outside the home is another factor. Other friends and interests may be formed and new points of contact with the world established. The breaking of the economic bonds which formerly held the family together permits the husband and wife to drift further apart. This is intensified by conditions of the city life where there are so many opportunities for different sorts of amusement. If the husband and wife are separated not only during the working day, but also during the hours of recreation, the breach tends to widen.

Although the number of wage earning women in court cases seems to be higher than the ratio to the general population, it must be remembered that desertion and non-support are social phenomena which are largely localized in those social and economic groups in which married women are more likely to be wage earners. Again, our study is of urban conditions where the proportion of wage earning women is higher than in the rural sections. Farmers' wives may work just as hard or even harder, although they are not classified as gainfully employed, because their work is in the home and not in some outside place of employment.

With regard to the amount of wages received by the wives gainfully employed it may be stated that the study of a number of court cases for 1916 revealed the fact that in seven hundred out of a thousand cases of women gainfully employed the wage was under ten dollars ($10) a week. The cases studied in 1919 show that only one-third of the women gainfully employed were receiving less than that sum. The median wage for that year is to be found in the group making over ten dollars but under fifteen ($10 - $15). This group comprised forty per cent (40%) of the total number of cases. The small earnings of most of the wives explain the pressure to bring their cases into court to get a support order for themselves and any children they may have.

(*To be continued*)

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# FAMILY DESERTION AND NON-SUPPORT

## A STUDY OF COURT CASES IN PHILADELPHIA FROM 1916 TO 1920

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(*Continued from September issue*)

### V. CONJUGAL CONDITIONS

Let us consider first the ages of the husbands and wives in the cases in the Domestic Relations Court. Table XXV is a compilation of the results of studies made in 1916, 1917, and 1918.

TABLE XXV. AGES OF LITIGANTS[15]

| MEN: | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | *Under* 20 yrs. | 20-24 | 25-29 | 30-34 | 35-39 | 40-44 | 45-49 | 50-54 | 55-59 | *60 or* over |
| 1916 | 33 | 512 | 767 | 618 | 514 | 377 | 295 | 209 | 80 | 61 |
| 1917 | 17 | 171 | 251 | 201 | 190 | 133 | 112 | 65 | 37 | 22 |
| 1918 | 19 | 179 | 274 | 233 | 164 | 119 | 100 | 68 | 23 | 12 |
| Total | 69 | 862 | 1292 | 1052 | 868 | 629 | 507 | 342 | 140 | 95 |
| Per cent | 1 | 14 | 22 | 18 | 4 | 11 | 9 | 6 | 3 | 2 |
| WOMEN: | | | | | | | | | | |
| 1916 | 274 | 764 | 743 | 580 | 422 | 337 | 193 | 90 | 26 | 30 |
| 1917 | 89 | 252 | 258 | 206 | 157 | 110 | 66 | 41 | 12 | 8 |
| 1918 | 94 | 278 | 298 | 168 | 143 | 89 | 73 | 32 | 9 | 8 |
| Total | 457 | 1294 | 1299 | 954 | 722 | 536 | 332 | 163 | 47 | 47 |
| Per cent | 8 | 22 | 22 | 16 | 12 | 9 | 6 | 3 | 1 | 1 |

From this study of almost six thousand cases it would seem that over a third of the men and over a half of the women in these court cases are under thirty years of age. Although the percentage of men under twenty is negligible, about one-tenth of the women are minors. The number of women between twenty and twenty-four and between twenty-five and twenty-nine is greater than for any other periods. For men the high water mark is reached in the group between twenty-five and twenty-nine years of age.

Let us see next what years of married life are most fruitful in desertion and non-support cases. From the youth of the majority of the litigants it would seem that the problem is peculiarly one of the early years of married life. The summary in Table XXVI of the studies of over six thousand cases covers the years of 1916, 1917 and 1918.

15. See Annual Report of the Philadelphia Municipal Court for 1916, p. 210, for 1917, p. 80, and for 1918, p. 83.

It will be seen from the table that in almost half the cases of desertion and non-support they were brought into the Court of Domestic Relations within the first five years of married life. The high water mark appears to be in the first year of married life, when in ten per cent of the cases the family ties were ruptured. From that time on there is a gradual steady drop in the rate of desertion and non-support. This drop in the rate is to be expected from the ordinary chances of life as seen from an actuarial table. It cannot, however, entirely explain away the high proportion of desertion and non-support cases which represent the early years of married life.

TABLE XXVI. LENGTH OF MARRIED LIFE[16]

| *Number of years married* | *1916* | *1917* | *1918* | *Total* | *Per cent* |
|---|---|---|---|---|---|
| Under one year | 289 | 97 | 119 | 505 | 8.7 |
| One year | 313 | 86 | 90 | 489 | 8.4 |
| Two years | 305 | 95 | 91 | 491 | 8.5 |
| Three years | 239 | 100 | 86 | 425 | 7.3 |
| Four years | 197 | 75 | 83 | 355 | 6.1 |
| Five years | 184 | 69 | 84 | 337 | 5.8 |
| Total for five years or under | 1527 | 522 | 553 | 2602 | 44.8 |
| Total married six years or over | 1916 | 669 | 611 | 3196 | 55.2 |
| Grand total | 3443 | 1191 | 1164 | 5798 | 100.0 |

From studies made in 1916 and 1919 of court cases we find the following information as to the time of marriage of the litigants.

TABLE XXVII. AGE AT MARRIAGE

| | *Men* | | | | *Women* | | | |
|---|---|---|---|---|---|---|---|---|
| *Age married* | *1916* | *1919* | *Total* | *Per ct* | *1916* | *1919* | *Total* | *Per ct* |
| Under 20 years | 334 | 17 | 351 | 8 | 1289 | 105 | 1394 | 31 |
| 20 - 24 " | *1560 | 194 | 1754 | 39 | *1326 | 266 | *1592 | 36 |
| 25 - 29 " | 861 | 258 | *1119 | 25 | 490 | *208 | 698 | 15 |
| 30 - 34 " | 329 | *180 | 509 | 11 | 182 | 162 | 344 | 7 |
| 35 - 39 " | 153 | 176 | 329 | 7 | 84 | 131 | 215 | 5 |
| 40 and over | 200 | 278 | 478 | 10 | 62 | 198 | 260 | 6 |

*Median age at marriage.

The median age at marriage as seen by these court cases is from twenty-five to twenty-nine years for the men and from twenty to twenty-four years for the women. The percentages of men and women in these cases in the Court of Domestic Relations who married under the age of twenty are respectively eight and thirty. The Census for 1920 reveals the fact that out of the total male population nineteen years of age, six and one half per cent (6.5%) are married

16. See Annual Report for 1916, p. 209, and 1917, p. 81, and for 1918, p. 84.

and out of the total female population of the same age twenty-eight and a half per cent (28.6%) are married. Thus, there is little in these figures to show that early marriages are more apt or less apt to produce desertion cases. The age at marriage of the court litigants does not seem to be any earlier than in the general population. Most writers upon divorce and the family feel that early marriages are not necessarily more apt to be failures than those contracted at a more mature date. The problem is not that of early marriages. Our study of desertion would seem to point in the same direction. A study of a number of cases before the Domestic Relations Court in 1916 was made to find out how long the couples had known each other before marriage. Table XXVIII is the compilation of three thousand cases.

TABLE XXVIII. LENGHT OF ACQUAINTANCESHIP BEFORE MARRIAGE, 1916[17]

| | *Number* | *Per cent* |
|---|---|---|
| Under four months | 406 | 12 |
| Four to eleven months | 542 | 16 |
| One to two years | 1280 | 38 |
| Three years or over | 1122 | 34 |
| Total | 3350 | 100 |

Unfortunately we cannot prove our case unless we know something about the length of acquaintance before marriage upon the part of normal families. Nevertheless, in the absence of such information it is significant that in the cases of desertion studied only one-third of the couples knew each other three years or over before marriage. In over one-tenth of the cases acqaintanceship before marriage was limited to less than four months. In well over a third of the cases acquaintanceship was limited to a period of less than one year before marriage. A study of twelve hundred cases in 1919 will show somewhat similar results as in Table XXIX.

TABLE XXIX. LENGTH OF ACQUAINTANCESHIP BEFORE MARRIAGE, 1919

| | *Cases* | *Per cent* |
|---|---|---|
| Less than one month | 49 | 4.4 |
| More than one month but less than six | 170 | 15.2 |
| Six months to a year | 139 | 12.5 |
| One to two years | 262 | 23.5 |
| Two to three years | 170 | 15.2 |
| Three to four years | 115 | 10.3 |
| Four to five years | 62 | 5.5 |
| Five years or over | 49 | 15.2 |

This would seem to show that in these cases one-third of the mar-

17. See Annual Report for 1916, p. 211.

riages resulted from acquaintanceships of a year or less and over one-half of the marriages from acquaintanceship of two years or less. In both tables the median is to be found in an acquaintanceship of from one to two years.

The factor of children must be considered in discussing conjugal conditions. Students of divorce generally concede that children act as a binding tie in the family life and that the rate of divorce is higher among childless couples than among those with children. Let us see whether this holds true of desertion as studied in Philadelphia in the period under discussion. Table XXX summarizes almost seven thousand cases which appeared before the Domestic Relations Court from 1916 to 1919.

TABLE XXX. NUMBER OF CHILDREN[18]

| *Number of children* | *1916* | *1917* | *1918* | *1919* | *Total* | *Per cent* |
|---|---|---|---|---|---|---|
| None | 900 | 309 | 354 | 317 | 1880 | 28 |
| One | 998 | 341 | 395 | 305 | 2039 | 30 |
| Two | 631 | 214 | 193 | 170 | 1208 | 17 |
| Three | 386 | 142 | 128 | 77 | 733 | 10 |
| Four | 219 | 83 | 65 | 36 | 403 | 6 |
| Five | 151 | 49 | 29 | 20 | 249 | 4 |
| Six | 92 | 19 | 19 | 7 | 137 | 2 |
| Seven | 49 | 29 | 13 | 1 | 92 | 1 |
| Eight | 35 | 9 | 2 | 2 | 48 | 1 |
| Nine | 9 | 3 | 1 | 0 | 13 | 0.5 |
| Ten or more | 13 | 1 | 1 | 0 | 15 | 0.5 |
| Total with children | | | | | 4937 | 72.0 |

In six thousand cases examined the percentage of childless couples is twenty-eight as compared with the other seventy-two per cent of the couples which posessed children. The median group comprises the families with one child. The proportion of childless couples in these court cases may seem high, but it must be remembered that in a great number of cases the litigants have not been married very long. A flat comparison with the general married population is unfair for this reason. A recent investigation of the fecundity of American wives was undertaken by the Imigration Commission. The rate was found to be higher in the country than in the city and decidedly higher among the foreign than among the native born population. The percentage of women under forty-five years of age who had been married from ten to nineteen years and without children was found to be seven and four tenths (7.4%). The average number of childen born in such a group was found to be about four.

18. See Annual Report for 1916, p. 205, 1917 p. 83, and 1918 p. 86.

The rate was under three for the native and over four for the foreign born. In view of these figures the proportion of childless marriages represented in the court cases does not seem high, for the litigants on the average have only been married one-third as long a time.

Forced marriages are commonly regarded as playing an important part in desertion and non-support cases. Considerable pressure is often exerted to compel marriage in the case of unmarried mothers or pregnant women in order to legitimatize the sex relationships. Is such a social policy unfortunate? The following studies were made by the Municipal Court in 1917 and in 1918 of desertion and non-support cases.

TABLE XXXI. FORCED MARRIAGES[19]

| | *1918* | *1917* | *Total* |
|---|---|---|---|
| No pregnancy | 1024 | 996 | 2020 |
| Cases of pregnancy | 157 | 177 | 334 |
| Total number | 1181 | 1173 | 2354 |
| Percentage of Pregnancy before marriage | 13.3 | 15.0 | 14.1 |

From these two studies it would seem that fourteen per cent (14%) of the cases of desertion and non-support come from so-called forced marriages. Although such a ratio seems high, no conclusions can be drawn without some knowledge of the rate of pregnancy before marriage in the case of normal families. Adequate information upon that subject is lacking. Miss Colcord quotes in *Broken Homes* a study made in connection with the widows pension fund. There are five hundred families chosen at random. She states that

> out of these 500 mothers 96, or 19.2 per cent had conceived out of wedlock—or rather before wedlock judging by the date of marriage and that of the first child's birth. All of these women were hard working; several of good standing in the neighborhood and the mothers of large families of children.

It is valueless to compare two sets of figures from two different studies, but if the latter study is at all typical of the social and economic groups in our cities which are furnishing the cases of desertion and non-support to the courts, the present social policy may not be so unfortunate as some critics claim. Miss Colcord also cites *A Study of Bastardy Cases* by Louise de K. Bowen, in connection with the Juvenile Protective Association of Chicago, 1914. This is a study of 89 forced marriages which were brought about in connection with bastardy pro-

19. See Annual Report for 1917, p. 82, and for 1918 p. 85.

ceedings. Fifty-three of the women said that the marriage had been entered into willingly upon their part. Sixty of them stated that they were well treated by their husbands, and only five complained of abuse or unkindness. Out of the 89 marriages brought about after proceedings were instituted 69 of the couples were still living together from one to two years later, although 20, or nearly one in five had separated before the two year period was over.

## VI. INDIVIDUAL CAUSES AS SEEN IN THE CHARGES PREFERRED

The problem of desertion and non-support has been discussed largely thus far in terms of environment. Such an explanation is one sided. There are psychological forces within individuals which are not the result of their social and economic background, but rather a part of their biological heredity. The institution of the family itself rests upon the sex instinct. Sex incompatibility plays no small part in marital unhappiness. Its importance is probably greater than is admitted because of our reluctance to admit and discuss the problem. In the lists of causes of desertion given by the wives sex excess will appear in a small number of cases. The proportion may be greater than is actually alleged and recorded. On the other hand, the trouble may frequently be not sexual excess upon the part of the husband, but rather sexual anaesthesia upon the part of the wife. Sex perversions must be mentioned, although numerically unimportant, as shown by the written records. Veneral diseases are a far more common cause of blasted family life and happiness in all classes of society. Their relationship to divorce and desertion cannot be escaped. Alcoholism, the use of drugs and other vicious habits may lead a man to desert his wife or a wife to separate herself from her husband. Although these characteristics are acquired and not inherited some individuals have greater power of resistance than others. Individual failures and lack of inhibition may be the result of an inherited neurotic taint or of a degenerate biological stock. These may show themselves in any one of a number of ways, which may act as causual factors in desertion. The careful study of the heredity of a number of families in which desertion has frequently appeared would be as interesting as it would be difficult.

Modern behavioristic psychology has emphasized instincts and inherent predispositions. Out of these or rather upon these are woven the habits of life. Individuals may follow the psychological line of least resistance and freely express certain inherent tendencies

in various ways. By other individuals and in other ways a struggle may go on to inhibit certain predispositions. To what extent may desertion and indeed broken family life be explained in terms of the unfortunate expressions of certain instincts or the failure to repress others? Balked instincts must play some part. Psychology has not yet developed to the stage at which a scientific analysis of marital unhappiness can be expressed in classified psychological causes. Intelligence tests are still in the progress of development and their results are uncertain. Physical and in some cases mental examinations are made of some litigants before the Philadelphia Domestic Relations Court. The role of the feeble-minded in crime has been often discussed. There may be reason to believe that a psychological study of deserters would show an undue proportion of subnormal mentality. The examinations by the court physicians show many deviations from the normal and illustrate many curious types. As psychology progresses it may be possible to measure more acurately mental calibre and psychopathic traits. When that day arrives a psychological study of deserters and divorcees will be interesting. At the present time, all that we can say is that the dispositions and temperaments of even normal individuals differ. Different people give different reactions to similar sets of conditions. Why will one man desert his wife, but another will not under similar sets of circumstances? Human nature is full of contradictions. The wife who began suit against her husband may come to his rescue in the court. The judge, who believes that he has affected a permanent reconciliation between husband and wife, may have the same case to settle in a comparatively short while. In conclusion, it may be well to state that the above paragraphs should not be construed as containing any suggestions that human nature is different today than at any previous period. The psychological and biological heredity of the human race is probably the same as when Hammurabi's laws upon desertion were written. Our social enviroment of today is very different from that of a century ago, which may result in a different expression of these predispositions and individual variations.

Any analysis of the so-called individual rather than the environmental causes of desertion is difficult. It is a phenomenon or outward manifestation of broken family life rather than a specific social disease. It may be the result rather than the cause of an unhappy family life. The deserter or his wife may succeed in concealing the real causes from the probation officer, but a more common

difficulty is that the men and women when questioned do not know what specific motives prompted desertion. Difficulty is experienced in giving an adequate explanation of the reasons for marital unhappiness. Immediate and remote causes are often confused in the minds of the narrators and sometimes by the probation officer who is studying and recording the case. The frequent confusion between a drinker and an alcoholic is much in evidence. Generally, both the husband and the wife, when questioned separately, will pour out their minds very freely to the social worker. The analysis of each is generally as frank as it is confused. Prejudice and feelings run high. Each looks at the problem from one angle and has a distorted view of the entire situation. It will be necessary to list separately the causes of the domestic difficulties as given by the wives and as given by the husbands.

Although in the great majority of cases the husbands are the deserters, such is not always the case. There are deserted husbands as well as deserted wives. The deserted husband with a child or two on his hands is a rare but a serious problem to the social worker. The widower by desertion is legally unable to remarry and secure maternal care for the children. Moreover, although the husband and not the wife is generally the deserter from the home, it does not follow that the chief blame rests upon him. There may have been good reasons for his action in separating himself from his wife. If any generalization be permitted, it may be said that in the court cases studied the husband rather than the wife is the chief contributor to the domestic unhappiness. This may be due to our dual standards of morality and social judgment. Social control has a stronger hold upon the actions of the wife and mother than upon the husband and father. Moreover, the court cases of desertion and non-support are initiated by or in behalf of the wife and not the husband. In the matter of divorce, more divorces are granted to wives than to husbands. After both sides of the story have been reviewed in the court cases studied the fact remains that the charges of the wife generally outweight the counter charges of the husband. Some husbands are able to reply with counter charges of a serious nature, but many are unable to bring any important charges in return. Studies have been made bythe Municipal Court which show the causal factors in a number of cases in each year. Out of twelve hundred cases in the Domestic Relations Court in 1917 eighty-eight women were unable to bring any charge against their husbands, but

six hundred and seventy-nine men were unable to bring counter charges. In the same number of cases in 1918 the ratio was one hundred and fifteen to six hundred and eight. Although the nature of the causes is more important than the mere number, yet the numerical ratio between the charges of the women and men is somewhat significant.

Both desertion and non-support are results of unhappy family life. We seek not the immediate causes of the actual desertion, but rather the causes of the domestic difficulties which reflect themselves in that fashion. In the following table for 1916, an attempt was made

TABLE XXXII. CHARGES OF WIVES AND COUNTER CHARGES OF HUSBANDS[20]

| | *1916* | | | | | |
|---|---|---|---|---|---|---|
| | *Charges of Wives* | | | *Charges of Husbands* | | |
| | *Total* | *White* | *Colored* | *Total* | *White* | *Colored* |
| *Temperamental traits* | 505 | 509 | 467 | 371 | 382 | 285 |
| Abusive treatment | 225 | 225 | 230 | 28 | 28 | 31 |
| Abusive language | 190 | 192 | 166 | 79 | 77 | 88 |
| Laziness | 53 | 55 | 42 | 28 | 27 | 36 |
| In laws | 35 | 35 | 29 | 189 | 200 | 104 |
| Religious differences | 2 | 2 | .... | 5 | 6 | .... |
| Nagging | .... | .... | .... | 42 | 44 | 26 |
| *Alcoholism and narcotics* | 231 | 236 | 199 | 111 | 106 | 155 |
| Alcoholism | 229 | 234 | 198 | 108 | 102 | 155 |
| Drugs | 2 | 2 | 1 | 3 | 4 | .... |
| *Distinct sex factors* | 185 | 180 | 220 | 302 | 294 | 363 |
| Other women | 161 | 155 | 207 | .... | .... | .... |
| Other men | .... | .... | .... | 102 | 96 | 159 |
| Incompatibility | 20 | 21 | 18 | 64 | 64 | 68 |
| Jealousy | 20 | 21 | 18 | 39 | 36 | 57 |
| Venereal diseases | 13 | 14 | 9 | 8 | 9 | 5 |
| Sex excess | 10 | 11 | 3 | 1 | 1 | .... |
| Adultery | 10 | 8 | 9 | 25 | 27 | 10 |
| Sex perversion | 10 | 7 | .... | .... | .... | .... |
| Enforced prostitution | .... | 1 | 3 | .... | .... | .... |
| Illegitmate children | .... | 1 | 1 | 4 | 2 | 16 |
| *Economic issues* | 70 | 66 | 107 | 170 | 169 | 170 |
| Stinginess | 36 | 33 | 62 | 1 | 1 | .... |
| Gambling | 20 | 19 | 26 | 1 | 1 | 5 |
| Economic incompetency | 11 | 11 | 17 | .... | .... | .... |
| Step children | 2 | 2 | 1 | 11 | 11 | 16 |
| Extravagance | 1 | 1 | 1 | 29 | 29 | 26 |
| Domestic incompetency | .... | .... | .... | 128 | 127 | 129 |
| *Mental and physical troubles* | 9 | 9 | 7 | 46 | 49 | 21 |
| Marked mental peculiarities | 6 | 6 | 6 | 29 | 31 | 11 |
| Physical disability | 3 | 3 | 1 | 17 | 18 | 10 |

by the social workers of the Philadelphia Municipal Court to show the comparative weight of the different factors in causing domestic difficulties. It is expressed not in percentages but per thousand. It

20. See Annual Report for 1916, p. 202.

attempts to illustrate the numerical importance of the different charges as compared with each other, first of husbands, white and colored, and then among the wives, white and colored. It takes the form of wives' charges against their husbands and husbands' charges against their wives. It goes without saying that it affords no basis for comparing quantitatively the part played by wives with the part played by husbands in wrecking the home life. The table attempts to classify the causal factors into four groups, i.e., temperamental traits, alcoholism and narcotics, distinct sex factors, economic issues and mental and physical troubles. Such a classification is interesting but somewhat misleading. Under temperamental traits religious difficulties and abusive treatment find common classification, while alcoholism as a causal factor is separated from the latter cause. Can alcoholism, if the term is used correctly, and the use of narcotics be separated from mental and perhaps physical defects? Should jealousy and veneral diseases be grouped together under distinct sex factors? Any classification would immediately lay itself open to similar criticism. To speak quantitatively of the causes of desertion and non-support in terms of temperamental traits or of economic issues is impossible. All that we can do is to note the frequent recurrence of certain particular causes and the frequent association of a number of them.

There are interesting comparisons in alleged causes of desertion and non-support among the negro as compared with the white population, as inferred from the table for 1916. The data are suggestive, but not sufficient to warrant any conclusions. In the first place, the numerical importance of the various causes shows a greater similarity for the negroes and whites of the same sex than for husbands and wives of the same color. Indeed, the similarities of the two sets of causes among the negro and white population impress the casual reader as greater than the dissimilarities. If the chief causes are listed in order of their numerical importance for husbands of both color and for wives of both color there will not be observed any great disparity in the two sets of causes. Great contributory causes among the men such as abusive treatment, abusive language and alcoholism correspond roughly as does domestic incompetency among the wives, which is a frequent charge of the men. The problem of the mother-in-law does not seem to be regarded as so serious a menace to the domestic happiness of the colored population as with the white. Other men and other women are given as causes more

frequently by negroes and the problem of the illegitimate child is more common. Other distinct sex factors seem to play as small a part in domestic difficulties among the negroes as among the white families.

In the study of twelve hundred desertion cases in both 1917 and 1918 the charges of the men and the charges of the women are listed separarately. These are divided into first, second and third causes. There is a total to show how many times each cause is mentioned. For both years there is a close correspondence in the two sets of causes. The charges brought by the wives against their husbands in the two years may be listed thus in order of their numerical importance as follows:

TABLE XXXIII. CHIEF CHARGES PREFERRED BY WIVES[21]

| *1917* | *1918* |
|---|---|
| 1. Alcoholism | 1. Abusive treatment |
| 2. Abusive treatment | 2. Alcoholism |
| 3. Abusive language | 3. Other men and women |
| 4. Other women | 4. Abusive language |
| 5. Laziness | 5. Stinginess |
| 6. Quarreling | 6. Drugs |
| 7. Economic incompetency | 7. Incompatibility |
| 8. In-laws | 8. Laziness |
| 9. Stinginess | 9. In-laws |
| 10. Gambling | 10. Gambling |
| 11. Incompatibility | 11. Religious differences |

Although the order of numerical importance differs somewhat, the chief causes appear in both lists with the exception of two factors in each. Abusive treatment, abusive language, alcoholism and other women head the lists.

Turning next to the causes of domestic difficulties as seen by the husbands themselves, the story assumes a somewhat different form. The charges most frequently given by the men against their wives appear in the following order for the two years.

TABLE XXXIV. CHIEF COUNTER CHARGES PREFERRED BY HUSBANDS[22]

| *1917* | *1918* |
|---|---|
| 1. In-laws | 1. Other men and women |
| 2. Other men | 2. In-laws |
| 3. Quarreling and nagging | 3. Drugs |
| 4. Domestic incompetency | 4. Economic and domestic incompetency |
| 5. Alcoholism | 5. Alcoholism |
| 6. Abusive language | 6. Religious differences |
| 7. Incompatibility | 7. Step and illegitimate children |
| 8. Adultery | 8. Abusive language |
| 9. Extravagance | 9. Extravagance |
| 10. Jealousy | 10. Incompatibility |

21. See Annual Report for 1917, p. 86, and for 1918, p. 89.
22. Annual Report for 1917, p. 87, and for 1918, p. 99.

There will be seen a close correspondence for the two years in the causes of domestic difficulties as seen by the husbands, although the correlation is not so close as in that given by the wives. A number of the charges made by wives reappear as counter charges made by husbands. Thus, alcoholism is present although it takes a lower place in the list of factors. Although abusive treatment is missing, abusive language is present. Tongue lashing apparently takes the place of physical abuse. The same blanket term of incompatibility appears with men as with women. The laziness and economic incompetency of the husbands is paralleled by the domestic incompetency of the wives. The factor of parents-in-law appears in both the charges of the men and women, but it occupies a more important place in the former. Other men as a factor take a higher place in the list of charges brought by men than other women does in the list of charges brought by wives against their husbands. This probably does not mean that sexual offenses are more common upon the part of wives than upon the part of husbands, but rather that they are regarded as more serious. A gain, the mere preponderance of other charges brought by wives may often be sufficient to push this charge into the background. Finally, the dual standard of morality must be considered.

A study of the causal factors in the first twelve hundred cases in the Domestic Relations Court in 1919 shows the following charges mentioned the following number of times by the wives and husbands:

| | |
|---|---|
| Abusive treatment | 441 |
| Alcoholism | 370 |
| Desertion | 307 |
| Other women | 260 |
| Incompatibility | 179 |
| Abusive language | 139 |
| Bad company | 106 |
| In-laws | 96 |
| Gambling | 74 |
| Money quarrels | 53 |
| Jealousy | 34 |
| Stinginess | 33 |
| Venereal diseases | 27 |
| Neglect | 26 |
| Mental peculiarities | 21 |
| Refusal to make a home | 20 |
| Sex excess | 17 |
| Neglect or abuse of children | 16 |
| Step or illegitimate children | 13 |
| Sex perversion | 5 |
| Economic or domestic incompetence | 3 |
| Refused intercourse | 2 |
| Extravagance | 1 |

## VII. TYPES OF DESERTERS

Numerous attempts have been made to classify deserters into various types. Such classifications, like those of causes, are somewhat arbitrary. Nevertheless, they shed some light upon the factors at work in creating the problem which desertion presents. The Philadelphia Society for Organizing Charity in its annual report for 1902 recognized five principal types of deserters, as follows,—the chronic deserter, the reclaimable deserter, the spurious deserter, the half-excusable deserter and finally what was termed the un-get-at-able deserter. It attempted to show how the desertion habit could be formed gradually after several offenses. Social workers are not surprised to find upon the investigation of a given case, which has just been reported, that desertion had occured upon a number of previous occasions. On the other hand, the desertion may be the result of a certain quarrel or of a series of misfortunes. In the case of families seeking aid, desertion may often be feigned in order to secure charity. The wife and family may be responsible parties in an attempt of the husband to shift his financial responsibilities upon the community. The existence of this type of desertion necessitates careful case study upon the part of the social worker. Our review of the individual causes of desertion attempted to show that frequently the blame for the broken home must be shared by both the husband and the wife. When the report speaks of "half-excusable" deserters, it has reference to the wives' sins of ommission or of commission. The "un-get-at-able" deserter is an illustration of the difficulty of apprehending the deserter or of enforcing the order which the court has seen fit to grant.

Perhaps a more workable classification has been made by E. E. Eubank in his study of desertion in Chicago. This also is five-fold, as follows: the spurious deserter, the gradual deserter, the "intermittent husband," the ill-advised marriage type and the "last resort" type. In his discussion of the gradual deserter type, Eubank points out that desertion is by no means always intentional. Marital happiness does not frequently snap suddenly. The husband and wife are more apt to gradually drift apart. Frequently the causes are to be found in our economic or social environment. Seasonal labor, the demand for the casual laborer and the existence of the so-called labor reserve have social effects upon the family life as well as economic effects upon unemployment. Unemployment may not be a direct cause of desertion, but it may lead to a search for new employment, during

which time the husband may drift far from his family moorings. We have spoken of influence of the war in attracting to Philadelphia mobile labor of all sorts. To what extent industrial migrations unsettle family life, we do not know. Every spring and summer itinerant laborers of Philadelphia go out into the truck fields of the surrounding country. Although we claim no causal connection, it will be remembered that in the two years studied, desertion rates increased in the spring and summer. Immigration as well as economic causes may produce the gradual deserter. Although we failed to find that our immigrants furnished an unduly high proportion of cases for the Domestic Relations Court, this is not the entire story. European countries face a severe problem of family desertion caused by foreign immigration. J. M. Motion in *Wife and Family Desertion: Emigration as a Contributory Cause*, states that for the year ending May 15, 1912, there were three hundred and forty (340) cases of colonial desertion. In one hundred and twenty-four (124) of the cases which were investigted, the wives had knowledge beforehand of the emigration which gradually and perhaps at first unintentionally developed into desertion. The intermittent husband, so called by Mr. Eubank, is the one who deserts and returns only to desert and return again. This type presents a peculiarly difficult problem to the social worker. It is believed that the so-called temperamental causes figure very highly in this type of deserter. We saw in a very early portion of this study that about half of the cases in the Domestic Relations Court were not new but recurrent. The ill-advised marriage type is reflected in divorce as well as in desertion. It is not part of our purpose to discuss marriage laws, but the importance of the matter must be mentioned. We have seen some results of hasty marriages in the table showing the length of acquaintanceship before marriage in a number of cases in the Philadelphia Court of Domestic Relations. The relationship of forced marriages to the subject of desertion has also been discussed. By the expression "last resort" desertion, Eubank has in mind the desertions of the husbands caused by the bad conduct or the vicious habits of the wives.

No attempt will be made to construct another classification of types of deserters. However, it may be well to stress the distinction between the reclaimable and the irreclaimable deserter, although the two types gradually fade into each other. Under the first type we would include the cases where reconciliation is possible and where the restoration of the husband to the wife and family is regarded as

desirable. Perhaps there may be some analogy in the distinction between the occasional and the habitual criminal. In conclusion, there must be mentioned the type represented by the non-supporting husband who is living with his family although out of harmony with it. He is often a potential or an incipient deserter. Although there is an absence of actual desertion the same set of causes are frequently at work undermining domestic happiness. On the other extreme is the deserting husband who nevertheless is supporting his wife and family.

## VIII. THE DEVELOPMENT OF THE LEGAL MACHINERY

Under the common law it was the duty of a husband to support his wife and children. This was insufficient because there were no means of enforcing such obligations without going into the courts. Hence, it was impossible for a wife to sue her husband, or children their father except indirectly through some friend or guardian. Where the wife or children were forced to purchase the necessities of life from some third person, the latter could sue the husband and recover. Thus, we may say that while the common law recognized the obligation of the husbands, it provided no direct method of compelling support. Hence, desertion and non-support have been made offenses, punishable by law in all the states of the Union. The various statutes of the state of Pennsylvania provide legal machinery whose scope and character are well in advance of that possessed by the majority of the other commonwealths. The interpretation of the courts has been likewise broad and comparatively untechnical.

In attempting to sketch the evolution of the system in Pennsylvania the logical starting point is found in the Poor Law of 1836. This provided that if the deserted families became a charge upon the community the overseers of the poor should make complaint before any magistrate, who could issue a warrant authorizing them to seize as much of the personal property of the deserter as the magistrate should deem sufficient. If there was insufficient property the deserter was to be arrested. The trial was one of criminal law in the regular Courts of Quarter Sessions. The judge could make an order of support and authorize the overseers to sell the property which they seized, or in the absence of property could commit the defendant to jail. The unfortunate feature of this act was that it placed the initiative upon the overseers of the poor. Moreover, proof of no property was required before an arrest could be made.

These sections of the general Poor Law have been supplemented and supplanted by later special acts upon desertion and non-support. In April, 1867 a special act was passed by the legislature for the relief of wives and children, deserted by their husbands and fathers within the commonwealth. The broad scope and powers of this pioneer statute in Pennsylvania may be seen from the following excerpts:

> That in addition to the remedies now provided by law, if any husband, or father, being within the limits of this commonwealth, has, or hereafter shall separate himself from his wife, or from his children, or from his wife and children, without reasonable cause, or shall neglect to maintain his wife or children, it shall be lawful for any alderman, justice of the peace, or magistrate of this commonwealth, upon information made before him under oath, or affirmation, by his wife, or children, or either of them, or by any other person, or persons, to issue his warrant to the sheriff, or to any constable, for the arrest of the person against whom the information shall be made, as aforesaid, and bind him over, with one sufficient surety, to appear at the next court of quarter sessions, there to answer the said charge of desertion. . . . . It shall be lawful for said court, after hearing, to order the person against whom the complaint has been made, being of sufficient ability, to pay such sum as said court shall think reasonable and proper, for the comfortable support and maintenance of said wife, or children, or both, not exceeding one hundred dollars per month, and to commit such person to the county prison, there to remain until he comply with such order, or give security, by one, or more, sureties to the commonwealth, and in such sum as the court shall direct, for the compliance therewith.

It was further provided that

> all proceedings shall be in the name of the commonwealth: and that any wife, so deserted, shall be a competent witness on the part of the commonwealth, and the husband shall also be a competent witness.

The basic statute has been supplemented and amplified by numerous later acts of the legislature. An act of March 13, 1903 made it a misdemeanor for a husband or father to desert and neglect to support his wife and children, punishable by imprisonment not to exceed one year, or a fine not to exceed one hundred dollars or both. The latter was to be applied in whole or in part as a payment to the wife and children, but in no way to affect any existing order of the court for support. Court orders have generally been made in lieu of the criminal penalty, which was later permitted to take the form of a suspended sentence. For the purposes of this act children were defined as those under sixteen, except in the case of the crippled and infirm where the age limit was extended to twenty-one years. Moreover, separation was defined as including "every case where a husband had caused his wife to leave him by conduct upon his part which would be ground for divorce." This was for the protection of those women who were forced to leave their husbands, although the

latter could not be found technically guilty of desertion or non-support. In spite of the various acts which were passed the courts continued to have difficulty in enforcing their orders, although they might send to jail the non-supporting husbands. The legislation attempted to meet this situation by an act passed in June, 1913. Under this law a man who cannot or does not pay the court order can be committed at hard labor in some penal institution, which institution shall pay for his labor the sum of sixty-five cents a day for the support of his wife and family. The courts, however, have used very conservatively this power.

The above laws have made desertion and non-support a criminal offense and have provided the legal machinery by which the commonwealth can proceed against fathers and husbands in the interests of their families and the general public. There are also laws upon the statute books of Pennsylvania which give to deserted wives the right of civil suit for maintenance. If the husband can be located she may proceed against his property. The wording of the law, however, is rather ambiguous, and its uncertainty has been increased by several court decisions. Neither the law nor the legal machinery in civil procedure is as adequate in the matter of desertion and non-support as in the criminal procedure. This is but natural in view of the social and economic groups which are largely affected by this social problem. Again, the matter of civil procedure seems rather unimportant when we recall how insignificant is the amount of attachable property in the case of deserters. For those in more fortunate pecuniary circumstances there is the opportunity of divorce or legal separation, which may be accompanied by alimony.

A great land mark in the local history of the legal attempt to cope with the problem of desertion and non-support was the establishment of the Municipal Court of Philadelphia. This was done by an act of legislature upon July 12, 1913 which provided that the court consist of a president judge and an associate judge for each two hundred thousand of the population or fraction thereof, elected by popular vote. The court is divided into five great divisions—the Civil Division, the Criminal Division, the Misdemeanants Division, the Juvenile Division and the Domestic Relations Division. This act transferred from the Court of Quarter Sessions to the Domestic Relations Division of the Municipal Court cases of desertion and non-support. The act expressly states that

> The jurisdiction of the said Municipal court shall be exclusive (a) in all

proceedings brought against any husband or father, wherein it is charged that he has without reasonable cause separated himself from his wife or children, or from both, or has neglected or shall neglect to maintain his wife or children; and in all proceedings where any child of full age has neglected or shall neglect to maintain his or her parents, not able to work or of sufficient ability to maintain themselves; and in all proceedings for the custody of children.

One of the fundamental features of a municipal court is the probation system. The above law, as amended by the Act of June 15, 1915, provides that

> The president judge shall appoint a chief probation officer . . . . and such additional probation officers and employes as he may determine.

## IX. THE MACHINERY IN OPERATION

The earlier attitude toward the problem of desertion and non-support was that of court intervention. Perhaps it may be characterized as the strictly disciplinary attitude. Scientific or organized charity was loath to give much material assistance to the deserted wife. She was urged to bring the recalcitrant husband before the judge or magistrate in order that he be compelled if possible to resume the support of his family. It finally became apparent, however, that such a step was frequently the last blow to an already disintegrating family life. The concept of family rehabilitation as a function of the court began to develop. Moreover, the causes of desertion were found to be far from simple. Such early studies as have been mentioned began to have their fruit in a change of attitude. It was realized that desertion did not just happen, but was a problem of social causation. As with divorce it represented a phenomenon of the modern family passing through a period of adjustment. The assumption that all deserters were unsocial individuals went the way of some older theories of crime. Finally, the case system of modern organized charity showed the necessity for a careful investigation of each family and a scientific analysis of the problems presented. Out of such a situation the probation system developed. Its jurisdiction was extended from juvenile offenders to domestic relations. The municipal court idea expanded as it spread. The social efficiency of these specialized courts of justice depend largely upon the success or failure of the probation departments. The success of some early courts like that of Judge Lindsey centered around the dynamic personality of the judge. With the development of the municipal court idea, however, the center of gravity has largely shifted from the judge to the probation officer. Municipal court judges, who pass upon the

problems of domestic relations or upon juvenile offenders, should not only be legal specialists in their respective fields, but also men with a knowledge of sociology. Consequently, there has developed a differentiation of function between the judge and the social workers of the court. Although the judge is the reponsible person for the decisions made in his court, such decisions are largely conditioned by the data prepared by the probation officers and other social workers. An important feature of the Domestic Relations Division of the Philadelphia Municipal Court is the emphasis placed upon the probation department. The local probation officers do more than the investigation and supervision of cases. The decisions are frequently left in their hands. This unique feature may be read in the number of adjustments which are made without court trial by the probation officers in conference with the husbands and wives. Reconciliation is often impossible, but the aim is to reach a voluntary agreement in this informal manner.

Before the Philadelphia Municipal Court was established in 1914 the deserting husband was arrested upon the complaint of his wife, who had secured a warrant from some magistrate. The husband was placed under arrest and lodged in the county prison in default of bail It was frequently a week or two after commitment before the case. was called for trial. Such a situation tended to embitter the husband. It frequently meant not only loss of employment, but also made reconciliation more difficult if not impossible. Before the creation of the Philadelphia Municipal Court, desertion and non-support cases were tried in the Court of Quarter Sessions, which devoted one day each week to their consideration. An already crowded docket made justice slow. Moreover, in the absence of any probation department there was no source of reliable information upon which to base a decision. With the establishment of the Municipal Court in 1914 and its emphasis upon the probation system, the process of handling desertion and non-support cases was considerably altered. The present procedure in brief is as follows: The first appeal to the court is generally made by the wife hereself, although there are rare cases in which the appeal is made by the husbands in the behalf of the children of deserting wives. The complaintant is met by an officer of the court, furnished with an identification card and assigned to a woman interviewer. Here she tells her story in an informal way to the probation officer. A full and frank discussion is encouraged and a record made of the facts as related by the wife. Except in rare

cases, where physical violence is possible, no summons is issued. Instead, the probation department merely sends a letter to the husband. An attempt is made to have him call at a time which is not detrimental to his work. If no answer is received a second letter is sent. The probation department holds that it is better to incur the risk of having the husband run off than to embitter the proceedings by issuing a warrant unnecessarily. If there is no reply to the third letter a legal summons is issued. When the defendant calls he is generally met by the same interviewer who heard his wife's story. The same informal conference takes place between the husband and probation officer. A record of the facts is made as presented by the husband, which may be very different from the story related by the wife. If there is a serious conflict in the two versions, field workers are called upon to make additional first hand investigation. The third step is a conference between husband and wife in the presence of the probation officer. This is the critical stage, for here a definite decision is reached. Any one of three things may happen. The couple may become reconciled and decide to start married life together afresh. A frank discussion before some impartial and sympathetic third person with some possible good advice may be sufficient. Although the judge may bring the man and wife together, reconciliations are generally effected by the probation officer in this early stage. Reconciliation, however, may be impossible. Moreover, a study of the facts in the case may be sufficient to convince the probation officer that permanent reconciliation is not only unlikely but also undesirable. A separation agreement may be reached voluntarily in this conference and the case may not go into court at all. If the husband and wife can agree upon a fair sum, proportionate to the husband's earning capacity, to be paid by him for the support of his wife and children the affair may be settled there. The parties are taken to the office of the County Clerk, where the complaintant petitions the Court to confirm the agreement and the defendant signs a bond for his appearance in case of failure to abide by the sum required to be paid. The case does not have a court trial, although the signature of the judge is necessary in order to make the agreement a decree of the court. Such a voluntary agreement outside the court is known as an adjustment and is as legally binding as an order of the judge. Publicity is avoided and the way left open for a possible reconciliation. Moreover, it seems desirable that the matter should be settled by the probation officer, if the latter is a trained social worker, rath-

er than by the judge who is a legal expert. Finally, there is more hope of the agreement being kept when it is more voluntary than a court order. If an adjustment without court trial is impossible a legal summons is issued which brings the case before the judge. Even here the probation department has made an analysis of the case before it comes into court. The charges and counter charges are investigated as well as the husband's earnings. The decision of the judge may be any one of the following: The petition may be dismissed if important charges of the husband can be proven and the demand for support seems unjust. The case may be continued for further investigation or for some such other reason as the non-appearance of the defendent. The third possibility is definite order of the court upon the man for the support of his wife and children. There is a department of accounts and the orders are payable weekly, semi-monthly or monthly at the Municipal Court. For the convenience of the men concerned the office is kept open Friday evenings. Although the money is generally forwarded to the beneficiary through the court, it is possible to file a petition for the man to pay directly. It may also be mentioned that the court maintains an employment bureau to help the man out of work to find employment. There is a medical department, which, however, exists chiefly for purposes of examination. Those requiring extended medical treatment are referred to hospitals. Connection is maintained by the probation department of the Municipal Court with the social service departments of the various city hospitals and dispensaries. Relief cases are turned over to the Society for Organizing Charity. More or less close connection is maintained with the other social agencies of the city. Domestic Relations Court cases are registered at the Social Service Exchange of Philadelphia.

The important part which the probation department plays in he matter of desertion and non-support may be seen in the large proportion of cases which are settled without court trial. Thus, in 1916 there were one thousand seven hundred and one (1,701) support orders granted, but only nine hundred and twelve (912) representing fifty-four per cent (54%) were fixed by the judge. In 1917 out of one thousand seven hundred and seventeen (1,717) new orders, seven hundred and twenty-seven (727) or forty-two per cent (42%) were reached by adjustment without court trial. In 1918 out of one thousand four hundred and thirty-one (1,431) new orders, five hundred and twenty-three (523) or thirty-seven per cent (37%)

were reached by adjustment. In 1919 there were one thousand one hundred and forty-two (1,142) new orders issued by the court in contrast to eight hundred and forty-five (845) reached by voluntary agreement, representing forty-two per cent (42%) of the total. During the year 1920, of the non-support cases involving families brought to the attention of the court for the first time and disposed of in the same year three-fourths were adjusted without court hearing.

The character of the court disposition of cases may be seen from the following summaries for 1916, 1917 and 1918:

TABLE XXXV. COURT DISPOSITIONS[23]

| | *1916* | *1917* | *1918* |
|---|---|---|---|
| Court dispositions | 6,140 | 7,127 | 5,036 |
| New orders | 1,701 | 1,717 | 1,431 |
| By court | 912 | 990 | 908 |
| By aggreement | 789 | 727 | 523 |
| Changes made in previous orders | 153 | 180 | 262 |
| Orders vacated | 491 | 380 | 115 |
| Old orders suspended | 7 | 57 | 81 |
| Arrears remitted | 410 | 260 | 247 |
| Micellaneous petitions allowed | 82 | 61 | 178 |
| Petitions dismissed | 462 | 258 | 260 |
| Petitions continued | 2,375 | 3,378 | 1,763 |
| Defendant committed or held | 220 | 391 | 582 |

It is interesting to note in the three years described above the great

TABLE XXXVI. DISPOSITION OF CASES IN 1919[24]

| | *All classes of cases* | *Non-support cases only* |
|---|---|---|
| Cases listed for Court | 6,180 | 6,062 |
| Court hearings | 4,732 | 4,501 |
| Cases disposed of | 4,108 | 3,860 |
| New orders | 1,987 | 1,831 |
| (By Court) | (1,142) | (1,060) |
| (By agreement) | (845) | (771) |
| Old orders changed | 351 | 341 |
| (Increased) | (243) | (237) |
| (Decreased) | (108) | (104) |
| Old orders suspended | 30 | 23 |
| Old orders reinstated | 106 | 102 |
| Old orders vacated | 195 | 197 |
| Arrears remitted | 344 | 327 |
| Petition to credit allowed | 33 | 31 |
| Beneficiary changed | 39 | 37 |
| Miscellaneous petitions allowed | 156 | 154 |
| Petitions dismissed | 451 | 456 |
| Petitions withdrawn | 231 | 227 |
| Defendants committed | 185 | 184 |
| Placed upon probation | 1,168 | 1,120 |
| Bench warrants | 43 | 42 |
| Bench warrants no answer | 133 | 124 |

number of petitions continued. In 1917 the total number of such

23. Annual Report for 1916, p. 170 for 1917, p. 45, and for 1918, p. 46.
24. Annual Report of Municipal Court for 1919, p. 42.

cases was over three thousand, in 1916 almost three thousand and in 1918 almost two thousand. The record for 1919 also shows a great proportion of cases not settled. It also illustrates how large a proportion of all the cases in the Court of Domestic Relations are those of desertion and non-support.

The cases disposed of at court hearings in 1920 numbered three thousand two hundred and ninety-four (3,294). There were one thousand seven hundred and seventy-four (1,774) continuances. The following is a summary of the dispositions of these court cases.

TABLE XXXVII. COURT DISPOSITIONS IN 1920[25]

| | |
|---|---|
| Petitions dismissed | 430 |
| Attachments dismissed | 2 |
| Writ of habeaus corpus dismissed | 9 |
| Warrant of seizure dismissed, no funds | 18 |
| Orders made | 1,013 |
| Orders increased | 231 |
| Orders reduced | 125 |
| Orders suspended | 28 |
| Orders reinstated | 66 |
| Orders vacated | 173 |
| Beneficiary changed | 145 |
| Arrears remitted | 239 |
| Part arrears remitted | 86 |
| All arrears paid in court | 75 |
| Part arrears paid in court | 317 |
| Arrears ordered to be paid upon a specified date | 36 |
| Specified amount of arrears ordered to be paid upon a specified date | 117 |
| Arrears ordered to be paid in installments | 626 |
| Habeas corpus petitions granted | 41 |
| Habeas corpus petitions granted in part | 16 |
| Habeas corpus petitions not granted | 21 |
| Committed to county prison | 75 |
| Committed to House of Correction | 85 |
| Returned to County prison | 4 |
| Returned to House of Correction | 5 |
| Discharged from County prison | 2 |
| Committed to County prison or House of Correction, but released same day upon payment of part arrears and agreement to pay balance | 85 |
| Committed to psychopathic ward, Philadelphia General Hospital | 9 |
| Warrants of seizure confirmed | 69 |

The large number of cases carried over is partly due to a crowded calendar and for a while the court was holding evening sessions once a week in order to catch up with its program. Again, the very nature of the probation system keeps many cases from an immediate settlement. For many families an extended period of supervision is

25. Annual Report for 1920, p. 240.

necessary. The recalcitrant husband must be carefully watched. The small number of commitments and the large number of arrearage cases listed above shows the reluctance of the court to use its authority. Every effort is made to avoid imprisonment and to use this weapon only as a last resort. Even after a voluntary adjustment has been reached or court order fixed the work of the probation department is not ended. It is necessary to see that the money is paid regularly and promptly. A default in payment brings the case back again into Court. A unique feature of the Philadelphia Court of Domestic Relations is the fact that these orders are granted for an indefinite period of time and not for a certain fixed period. Hence, the opportunity must be open to both parties to appeal at any time for an increase or decrease in the amount paid. The two determining factors regarding the amout of the order are the size of the family and the wages of the husband. There has been no attempt made to standardize the relationship between these two factors. Many irregularities and apparent injustices are to be explained in terms of other factors. It is debatable whether standardization is possible for these two chief factors. Careful investigation by an efficient probation department made up of trained social workers is far more desirable. The importance of the probation department is apparent to any visitor in the Court of Domestic Relations. The rapidity with which individual cases are disposed of by the court is to be explained in terms of previous investigation and recommendation by the probation officer. In Philadelphia the emphasis is placed upon the probation department rather than upon the judge. In conclusion, may be mentioned the attempt of the court to get the man himself voluntarily to fix a fair sum as a support order rather than to arbitrarily impose it upon him.

Although reconciliations are sometimes effected by the judge in the court room they are generally accomplished, if at all, by the probation officer in a previous conference. Let us see to what extent reconciliations are accomplished and then to what extent they are permanent. In 1916 one thousand and two (1,002) cases were reconciled. In 1917 there were eight hundred and two (802), in 1918 eight hundred and four (804) and in 1919 one thousand and sixteen (1,016) reconciliations. In 1920 there were seven hundred and thirty-seven (737) couples reconciled without a court hearing and thirty-two (32) reconciled by the judge in the court room. It would seem to be a conservative estimate to say that reconciliations were effected in

over ten per cent (10%) of the cases coming into the court.

In 1917 there was made an interesting study of twelve hundred cases to illustrate court action according to nativity.

TABLE XXXVIII. COURT ACTION ACCORDING TO NATIVITY[26]

| | *Total* | | *Native White* | | *Colored* | | *Foreign Born* | |
|---|---|---|---|---|---|---|---|---|
| | *No.* | *%* | *No.* | *%* | *No.* | *%* | *No.* | *%* |
| Reconciliation in department | 135 | 11 | 71 | 10 | 22 | 18 | 42 | 12 |
| Petition and order | 90 | 8 | 65 | 9 | 4 | 3 | 19 | 5.2 |
| Agreement | 84 | 7 | 63 | 9 | 9 | 7 | 12 | 3 |
| Petition dismissed | 84 | 7 | 56 | 8 | 5 | 4 | 23 | 7 |
| Court action pending | 114 | 9 | 67 | 9 | 12 | 9 | 35 | 10 |
| Not settled | 563 | 47 | 306 | 43 | 59 | 49 | 197 | 56.1 |
| Arrearage complaints | 74 | 6 | 52 | 7 | 9 | 7 | 11 | 3.2 |
| Attachment proceedings | 56 | 5 | 38 | 5 | 3 | 3 | 15 | 4 |

Reconciliations were effected in eleven per cent (11%) of the total number of cases studied. Among the native white the proportion of reconciliations was only ten per cent (10%) or slightly under the rate for the entire group. With the foreign born the percentage was twelve per cent (12%) or slightly above the rate for the entire group studied. In the case of the colored litigants the proportion of reconciliations effected reached the high water mark of eighteen per cent (18%). The same group which furnishes a high proportion of cases to the Court of Domestic Relations also shows a high percentage of reconciliations. How permanent the reconciliations are with this rather volatile group is another story. Agreements outside the court were effected in seven per cent (7%) and court orders granted in eight per cent (8%) of the total number of cases studied. In both these matters the native white rate was slightly higher, being nine per cent (9%) in each case. The rate for the colored group corresponded to that of the entire group in the matter of voluntary agreements, but fell to three per cent (3%) in the matter of court orders. In the case of the foreign born the rate in both cases is below that of the entire group. Orders were granted in five per cent (5%) of the cases and agreements were reached in three per cent (3%) of the cases. The proportion of petitions dismissed was seven per cent (7%) for all groups, eight per cent (8%) for the native white group, four per cent (4%) for the colored group and seven per cent (7%) for the foreign born.

If we take the same table and use only the first four classes leaving out cases not settled, court action pending, arrearage complaints and

26. Annual Report for 1917, p. 89.

attachment proceedings very nearly the same contrasts show themselves in a more glaring fashion.

TABLE XXXIX.

| | *Total* | | *Native White* | | *Colored* | | *Foreign Born* | |
|---|---|---|---|---|---|---|---|---|
| | *No.* | *%* | *No.* | *%* | *No.* | *%* | *No.* | *%* |
| Reconciliation in department | 135 | 35 | 71 | 28 | 22 | 55 | 42 | 43 |
| Petition and order | 90 | 23 | 65 | 26 | 4 | 10 | 19 | 20 |
| Agreement | 84 | 21 | 63 | 25 | 9 | 23 | 12 | 13 |
| Petition dismissed | 84 | 21 | 56 | 21 | 5 | 12 | 23 | 24 |
| Total | 393 | 100 | 255 | 100 | 40 | 100 | 96 | 100 |

To determine to what extent court reconciliations were effective in permanently reuniting families an investigation was made by Miss Mary Hendrickson of the probation department for the year 1916. There were one thousand and two (1,002) cases listed as reconciled. Of these cases on file one hundred and ninety (190) had come back into court for reconsideration. The remaining eight hundred and twelve (812) families were investigated from six to eighteen months after the case was closed. This single investigation took the entire time of one worker for several months. Only eighty-seven (87) families were not found or accounted for. In one hundred and twenty (120) cases the couples had separated although the cases had not come back into the Domestic Relations Court. This left in effect six hundred and five (605) reconciliations which constituted sixty-seven per cent (67%) of the cases located. This merely meant that husband and wife were living together again, possibly in fear of the court or possibly because of the children concerned. In a number of cases, however, the reconciliations appeared to be genuine to the probation officer, who described the husband and wife as "living happily together." A summary of the results of the inquiry is as follows:

TABLE XL. PERMANENCY OF RECONCILIATIONS[27]

| | | |
|---|---|---|
| Number of reconciliations in 1916 | 1002 | |
| Families not located | 87 | |
| Number back in court | 190 | |
| Number found to have separated without going back to court | 120 | |
| Remainder | 605 | 67% |

Two problems of administration must be mentioned in conclusion, the enforcing of court orders and the finding of the deserting husband, who seriously attempts to escape. The social workers of

27. Annual Report for 1916, p. 64.

organized charity may suceed in getting a desertion case before the court and an order made, only to find that the husband does not make payment or later ceases payment. This forces the case back again into the court and delays the relief. Sometimes the judge is hesitant concerning commitment. In the first place there may be some good reason for the non-payment of the court order, such as sickness or lack of employment. In the second place, commitment is to either the House of Correction or the county jail, which all students of penology admit is the weak link of our penal system. In the last place, under our present law the amount that the wife would receive during the imprisonment of her husband only amounts to three or four dollars a week. However, the department of accounts of the Domestic Relation Court of Philadelphia finds that the general tendency has been toward a more regular payment of Court orders.

The husband who deliberately attempts to desert or to avoid the payment of court orders by running off finds very little difficulty. This is not a local problem, however, but a national one. In Philadelphia as in most other cities, a warrant will not be served upon a deserting husband unless a probable address can be given. There exists a fund for the extradition of such offenders as have fled the state, but the extradition of those guilty of the so-called minor offenses was discouraged at the conference of governors. Although practically all the states have made desertion a punishable offense, the commwealth rarely takes the initiative in enforcing it. The determined wife or the persistent social worker in attempting to apprehend a fleeing husband is face to face with a legal as well as a practical game of hide and seek. Even within a given state there is often little cooperation among the local authorities. Such a situation is unfortunate and would be fatal if characteristic of all criminal procedure. It so happens that the majority of husbands do not seek evasion by running off. Organized charity is attempting to bridge the gap and close cooperation is generally maintained with similar organizations in other localities. Jewish social workers have organized a National Desertion Bureau and are very sucessful in locating deserting husbands. Some of their periodicals have a deserters' page containing the names, descriptions and photographs of the fugitives. It must be admitted, however, that they are favored in their search by a certain social solidarity and geographical localization.

## X. SUMMARY AND CONCLUSIONS

This brief survey of the local probem of desertion and non-support has divided itself into four main divisions—(1) the social significance, (2) the amount, (3) the causes and (4) the treatment of desertion and non-support.

*The Social Significance of the Problem.* The importance of the family as a social institution is our starting point. In addition to its primary function of reproduction, there is also the secondary function of socialization, that is the preparation of individuals for their larger life in society. An unhealthy family life is a national misfortune and a menace to social welfare. At present the family like other social institutions seems to be passing through a period of adjustment. Desertion and divorce are indications of an unstable family life. Although there are numerous differences in these two phenomena of the modern family, there are more points of similarity. The fact that they display themselves in different social groups has made desertion known as "the poor man's divorce." Desertion is a pathological phase of family life which seriously impairs the social functions of that important institution. Moreover, it plays an important part in augmenting the social debtor groups. This reflects itself in juvenile delinquency, juvenile dependency and finally in the appeals made to organized charity by the deserted wives and mothers. Philadelphia seems to be no exception to the general rule that desertion is responsible for about ten per cent (10%) of the relief cases. It has been estimated that of the children placed in our local institutions, fifteen per cent (15%) is a fair proportion to charge to desertion cases. Although quantitative measurement is difficult there is good reason to believe that the role played by desertion as a cause of juvenile delinquency in Philadelpia is even greater. Although this study has made no attempt to compare the desertion rate of city and country, this social phenomenon like others displays itself most vividly in congested population centers. It is historically true that practically all the important studies of desertion have been made in the cities.

*The Amount of Desertion and Non-support.* The amount of desertion is extremely difficult to measure. Our two main sources of information in Philadelphia are the appeals made to organized charity and the suits brought in the Domestic Relations Division of the Municipal Court. There is also a great unknown amount of desertion which never reflects itself in either of these two channels. Most studies of desertion have been made from the former

source, that is by officials of organized charity societies from their case records. Our study has been made from a different angle and has confined itself almost exclusively to the cases which have come through the Municipal Court. Many appeals made to local charity organizations get into the court, but many do not. On the other hand, only a part of the court cases are relief cases, known to social agencies. The nature of the source material used must be considered in comparing these conclusions with those of other studies of desertion.

Desertion appeals made to organized charity seem fairly constant. Philadelphia is apparently no exception. Unemployment and economic cycles are regarded as playing a small part. On the other hand, the number of desertion and non-support suits which were brought before the Domestic Relations Division of the Philadelphia Municipal Court does show some interesting yearly fluctuations during the five year period studied. The rate for 1917 arises above that for 1916, falling again in 1918, only to rise again in 1919 and to remain at about that level in 1920. For this period, for this locality and for this particular group of desertion and non-support cases there does seem to be some correlation with general economic conditions. Such a conclusion, however, is clouded by the existance of other disturbing factors, the war and prohibition. The effects of the war are interesting, but difficult to measure. It is possible, although we cannot prove it, that war marriages were partially responsible for the increase of desertion and non-support cases which followed the war. It is too early to pass judgment upon the effects of prohibition in Philadelphia. It is interesting, however, to note that in the early days of prohibition alcoholism as a charge of wives against husbands dropped sharply. There was a steady decline from May 1919 to February 1920. After the low water mark was reached in this month there took place a steady increase until the fall of the same year although this peak did not reach the former high levels.

Not only fluctuation in the rate but also the absolute amount of desertion and non-support are important. It is held that the fairest way to read both is in the number of new cases. A comparison with the general population reveals the fact that the average annual rate of the husbands and wives represented in the new court cases per one thousand married people is about fourteen (14.5). The average annual number of new cases per thousand families is almost ten (9.73). The ratio of these new cases to the marriage rate, as read

in the number of licenses issued, is found to be about one to five. The importance of this problem may also be seen by a comparison with the local divorce rate. The number of new desertion and non-support cases each year for the period studied is almost twice as great as the number of divorce petitions filed and almost three times as great as the number of divorces granted.

*Causes of Desertion and Non-Support.* Although society and the individual are reciprocals, the familiar method of grouping causes as environmental and individual was followed. A consideration of the factors of race and nationality developed the fact that the foreign born are not furnishing the Court of Domestic Relations with an amount of desertion and non-support cases out of proportion to their ratio in the total adult population. The colored population, on the other hand, is furnishing a proportion of court cases in excess of its ratio in the total and total adult population of the city. It is possible that the Roman Catholic group is productive of a somewhat smaller amount of desertion and non-support cases than its ratio in the total population of Philadelphia. Mixed marriages between individuals of different religious groups seem to have a higher record of failure than those between individuals of the same religious group.

The social and economic groups which are largely represented in desertion and non-support cases of the Philadelphia Municipal Court may perhaps be characterized in the un-American expressions of lower and lower middle classes. The very poor groups are common, but they are not the most typical. The wealthy groups afford but a very occasional representative. The skilled, the semi-skilled and the unskilled groups are about equally apportioned among the husbands in these court cases. The median weekly wage in 1916 was about fifteen dollars and in 1917 between sixteen and seventeen dollars. In 1918 it had jumped to between twenty and twenty-four dollars and in 1919 to between twenty-five and thirty dollars. A glimpse at the standards of living of the court litigants may be had from the fact that a majority of the families live in small rented houses rather than in furnished rooms. In from five to ten per cent (5-10%) of the cases the families owned their own homes. In a great number of cases the wives were employed outside the home, but it is doubtful if the proportion of wage earning wives is greatly in excess of that for the same social classes in the general population.

The greatest number of court cases represent the early years of married life. The typical wife is in the twenties and the defendant hus-

band is from twenty-five to thirty years of age. Our thesis has nothing to show that early marriages are more fruitful of desertion than late marriages, but it does seem to point definitely toward hasty marriages as a source of marital unhappiness which reflects itself in this manner. It is also possible that forced marriages, contracted to legitimatize children or clandestine sex relationships often invite subsequent disaster.

Although desertion is the cause of broken family life it is also the result. Our thesis contends that in this functional relationship the emphasis should be placed upon desertion as a result rather than as a cause. Desertion like divorce is an evidence of unstable family life. The industrial revolution, the factory system and the employment of women and children outside the home are comparatively new events in the long history of the human family. The development of great cities and the process of urbanization of their populations are still going on. Again, social progress is constantly raising standards of conduct. The popularization of law and education today brings about a different reaction from that of passive submission. Vicious habits, for illustration, upon the part of either husband or wife will no longer be tolerated to so great an extent. Their revelation in court is no indication that family life today is worse than before, but rather points toward a quickened public conscience. Among the frequent charges in the Court of Domestic Relations are alcoholism, abusive treatment, abusive language, other men or other women, in-laws, extravagance, economic or domestic incompetency or incompatability. In the majority of cases the charges of the wives outweigh the counter charges brought by the husbands, but generally the contributions to domestic unhappiness are mutual. Some of these causes, incompatability for illustration, are rather unenlightening. Others may be taken with the proverbial grain and salt. Alcoholism, for illustration, is frequently unduly stressed by the litigants. A study by the court workers of the wages of a number of men charged with alcoholism found that they were in excess of what any group of alcoholics would likely earn. There is a tendency to confuse drinkers with alcoholics. Sex problems on the other hand are frequently concealed. Mental as well as medical tests are made frequently in connection with the cases before the Philadelphia Court of Domestic Relations. Although numerous feeble-minded and psychopathic types are represented, it is too early to attempt any classification or generalizations. The new psychology now in the

making, may permit at some future time a study of desertion and marital discord from this angle.

*Treatment.* If desertion like divorce is a product of broken family life, the proper place for legislation to begin is with the marriage laws, rather than with the laws upon desertion and non-support. It has been recommended that a certain number of months elapse between the granting of a marriage license and the performance of the ceremony in order to lessen the number of hasty marriages. In brief, it may be said that any thing which tends toward a more wholesome and healthy family life is to that extent attacking the problem of desertion and non-support. After the present economic and social changes have worked themselves out and the present age of adjustment has passed, there may arrive a more stable era for the family, as well as for some other social institutions. But in the meantime we are confronted with a condition as well as a theory. How shall we treat deserters and how shall we treat their families? Any simple classification of the causes of desertion or of types of deserters is dangerous. Although there are numerous recognizable diseases, the medical physician must carefully examine each case. The same is true of the social worker, althought it is assumed that she be familar with the various types and causes of desertion as pictured by some of the more recent writers upon the subject, who have attempted to standarnize the approach in various cases.[28] In the treatment of desertion cases we are still feeling our way. The new profession of social work must experiment while it practices. The need for trained social workers is still so great in all fields, that one hardly dare voice the demand for specialists in the field of desertion.

It has been said that we have passed from a strictly disciplinary attitude in the treatment of desertion to the new concept of "family rehabilitation." To write the words "family rehabilitation" is easy, to accomplish it is difficult. The establishment of the Domestic Relations Division of the Municipal Court with its probation department was a long step forward in Philadelphia. We have pointed out the work done there in the matter of family reconciliation. Ten per cent is a conservative estimate. Moreover, although many cases come back into the Court and others separate later without Court action, we are persuaded that in a large number of cases the reconciliations effected by the Court are permanent. It must be pointed out that there is a danger of pushing too hard for reconciliations.

28. The questionaire upon desertion found in Mary Richmond's *Social Diagnosis* is especially valuable.

The writer, however, did not observe this in the conferences held by the probation department, in which he was permitted to sit. The social worker of organized charity may deliberately strive to keep the ever forgiving wife away from the dissolute husband or the chronic deserter. Ill advised reconciliations merely complicate and prolong the case.

In conclusion, we may say that among the outstanding characteristics of the local treatment accorded desertion and non-support cases is the emphasis upon the probation department rather than upon the the court. A large number of cases settled without court trial by a voluntary agreement of the two parties in conference is a second feature of the Philadelphia system. In almost half of the new cases in which separation is involved, the adjustment as to the amounr to be paid is made without court trial. A third and unique feature is the fact that the court orders are made for an indefinite period, subject, however, to petition for increase or decrease. In this attitude Philadelphia stands practically alone. A fourth characteristic is the conservatism with which most judges use the great power which they possess under the laws of Pennsylvania. The number of commitments is rather small and imprisonment is used only as a last resort. Again, letters from the probation departments are used whenever possible as a substitute for an arrest warrant. The possible escape of a few deserters is regarded as preferable to the embitterment of the husband and the destruction of the possible rehabilitation of the family. The inability of the law to apprehend the wilfully deserting husband is a serious problem throughout the entire nation. Although Philadelphia is no exception in this respect, the situation is no more glaring here than elsewhere.

## XI. BIBLIOGRAPHY

### A. SECONDARY SOURCES

ALMY, F. *Relief: A Primer for Family Rehabilitation Work of the Buffalo Charity Organization Society.* 1910.

BALDWIN, W. H. *Family Desertion and Non-Support Laws* (made in connection with the Associated Charities of Washington, D. C. in 1904 and published in same volume with work of Miss Lilian Brandt).

BONSALL, W. *Report on Desertion and Non-Support Laws.* 1910. *Handbook of Social Laws in Pennsylvania.* 1914.

BOSANQUET, H. *The Family.* 1906. Macmillan.

BRANDT, L. *Five Hundred and Seventy-four Deserters and their Families.* (Publication No. 1 of the Committee of Social Research of the Charity Organization Society of the City of New York). (1905).

CALHOUN, A. W. *The Social History of the American Family.* (Published 1919 by H. H. Clark Co).

COLCORD, J. *Broken Homes. A Study of Family Desertion and its Social Treatment.* (Charity Organization Society of New York City. Published in 1919 by the Russell Sage Foundation).

DEVINE, E. T. *The Family and Social Work.* (Particularly Chapter 6, Principles of Relief) (Macmillan, 1914).

EUBANK, E. E. *A Study of Family Desertion.* (Issued by the Chicago Department of Public Welfare in 1916).

FLEXNER, B. and BALDWIN, R. N. *Juvenile Court and Probation System.* (Century Co. 1914).

GOODSELL, W. A. *History of the Family as a Social and Educational Institution.* (Macmillan, 1915).

HEFFNER, W. C. *Brief History of Poor Relief Legislation in Pennsylvania,* 1682-1913. (Published 1913 by Holzapfel Co.)

LEESON, C. *The Probation System.* (P. S. Key and Sons, Westminster 1914).

LICHTENBERGER, J. P. *Divorce, A Study in Social Causation.* 1909.

MANGOLD, G. B. *Problems of Child Welfare.* (Macmillan 1919).

MOTION, J. R. *Desertion Cases.* (Published by the Glasgow Parish Council 1909). *Wife and Family Desertion: Emigration as a Contributory Cause.* 1912. *Wife and Family Desertion: An Inquiry into its Causes.* 1913.

PARSONS, E. C. *The Family.* 1906. G. P. Putman's Sons.

RICHMOND, M. *Social Diagnosis.* (Russell Sage Foundation).

SMITH, Z. D. *Deserted Wives and Deserting Husbands: A study of Two Hundred and Thirty-four Families.* (1901 Publication No. 75 of the Associated Charities of Boston).

### B. REPORTS, PROCEEDINGS AND OTHER SPECIAL STUDIES

CHICAGO JUVENILE ASSOCIATION. *A Study of Two Hundred Cases from the Chicago Court of Domestic Relations with Respect to Abandonment.* 1914.

CHICAGO JEWISH AID SOCIETY. *A Study of One Hundred Desertion Cases Aided by the Society.* 1914.

CINCINNATI JUVENILE PROTECTIVE ASSOCIATION. (A study of the desertion problem in Cincinnati. 1913).

NATIONAL DESERTION BUREAU. *Report of Eight Hundred and Fifty-two Cases of Family Desertion Treated by the National Desertion Bureau from its Establishment February 1, 1911 to April 1, 1912.* (Monroe M. Goldstein).

*Family Desertion and Non-Support.* Report of the work of the Bureau from 1912 to 1915.

NATIONAL CONFERENCE OF PROBATION OFFICERS.

NEW YORK STATE PROBATION COMMISSION.

PHILADELPHIA.

*Wife Desertion.* Report of a special committee of the Philadelphia Society for organizing Charity in annual report for 1903.

*Family Desertion.* Vol. 6 No. 11 Bulletin of the City Club of Philadelphia, February 12, 1913.

Annual Reports of the Municipal Court of Philadelphia.

UNITED STATES CENSUS BUREAU. *A Special Report on Marriage and Divorce.* 1867-1906.

PEPPER AND LEWIS. *Digest of the Laws of Pennsylvania.* (1700-1907). (T. and W. Johnson Co., 1910).

PURDON'S *Digest of the Laws of Pennsylvania.* Stewart. (Published 1915 by G. T. Bisel Co.)

C. NATIONAL AND STATE CONFERENCES ON CHARITIES AND CORRECTIONS

National Conference of Charities and Corrections. (1902, 1905, 1911, 1912).

Canadian Conference on Charities and Corrections. (1911 and 1912).

National Conference of Catholic Charities. (1912).

National Conference of Jewish Charities. (1900, 1906, 1910 and 1912).

STATE CONFERENCES. Florida 1914, Indiana 1911 and 1912, Iowa 1906, Maryland 1911, Massachusetts 1903 and 1910, Missouri 1913, New Hampshire 1912 and 1913, New Jersey 1909, Pennsylvania 1910 and 1912, Rhode Island 1913, Texas 1912 and 1913.

D. PERIODICALS

*American Journal of Sociology.* 1910.

*Annals of the American Acedemy of Political and Social Science.* 1903 and 1918.

*Charities.* 1903: May 2 and May 9. 1905: April 15, Special number on family desertion. April 22, Aug. 19, Sept. 9, Sept. 16. 1906: March 3, March 10, May 26. 1907: January 19, Sept. 21. 1909: November 20.

*Charities Review.* June, 1895 and October 1900.

*Jewish Charity.* Feb. 1905 and Jan. 1906.

*Journal of Criminal Law and Criminology.* September 1912, November, 1912, and May, 1913.

*Survey.* 1910: Feb. 5. 1911: July 1. 1912: May 11. 1913: April 12 and June 21. 1914: December 19.

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